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Parliamentary History.

VOL. VIII.

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COBBETT'S

Parliamentary History

OF

ENGLAND.

FROM THE NORMAN CONQUEST, IN 1066,

TO

THE YEAR 1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"COBBETT'S PARLIAMENTARY DEBATES."

VOL. VIII.

A. D. 1722—1733.

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1811.

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THE present Volume comprises the Period from the Opening of the Sixth Parliament of Great Britain in October 1722, to the 16th Day of March 1733. The Materials have been principally collected from the following Works:

1. The Journals of the House of Lords.
2. The Journals of the House of Commons.
3. The Political State of Europe, by Mr. A. Boyer.
4. The Historical Register.
5. Timberland's History and Proceedings of the House of Lords.
6. Chandler's History and Proceedings of the House of Commons.
7. The Gentleman's Magazine, which was commenced in January 1731.
8. The London Magazine, which was commenced in April 1732.
9. Tindal's Continuation of Rapin's History of England.
10. Mr. Coxe's Memoirs of the Life and Administration of Sir Robert Walpole; together with the valuable Original Correspondence and Authentic Papers contained therein. And,
11. His Memoirs of Horatio, Lord Walpole.

July 6, 1811.

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TABLE OF CONTENTS

TO

VOLUME VIII.

I. Proceedings and Debates in both Houses of Parliament.
II. Addresses.
III. Articles of Impeachment.
IV. King's Speeches.
V. King's Messages.
VI. Lists.
VII. Petitions.
VIII. Protests.
IX. Reports.
X. Persons filling the several High Offices of State.
XI. Index of the Names of the several Speakers in both Houses of Parliament.

I. PROCEEDINGS AND DEBATES IN BOTH HOUSES OF PARLIAMENT.

FIRST SESSION OF THE SIXTH PARLIAMENT OF GREAT BRITAIN.

1722.

		Page
Oct. 9.	Meeting of the New Parliament	1
	List of the House of Commons	1
	List of the Sixteen Peers of Scotland	21
	Spencer Compton, esq. chosen Speaker	21
11.	The Speaker's Speech to the King on being presented and approved of	24
	The King's Speech on Opening the Session	25
	Debate in the Lords on the Bill for suspending the Habeas Corpus Act	27
	Protest against the Bill for suspending the Habeas Corpus Act...	30
12.	The Lords' Address of Thanks to the King for his Speech relating to the Conspiracy—The King's Answer	35

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1722.

		Page
Oct. 12.	Debate in the Commons on the Address of Thanks	37
	Debate in the Commons on the Bill for suspending the Habeas Corpus Act for one year	38
	The Commons' Address of Thanks to the King for his Speech relating to the Conspiracy—The King's Answer	41
26.	The Duke of Norfolk committed on a suspicion of High Treason —Protest against it	44
	Debate in the Commons on the Augmentation of the Army	46
31.	Mr. Robert Walpole hints to the Commons a Design of laying an Extraordinary Tax on Roman Catholics and Non-jurors	47
Nov. 16.	The King's Message concerning the Pretender's Declaration	47
17.	The Joint Address of both Houses to the King relating to the Pretender's Declaration—The King's Answer	50
23.	Debate in the Commons on a Motion for raising 100,000*l.* on the Roman Catholics towards the Supply of the Current Year	51
Dec. 12.	Petition from the South Sea Company relating to the converting one Moiety of their Capital into Annuities	53

1723.

Jan. 15.	The Commons appoint a Committee to examine Christopher Layer, touching the Conspiracy	54
21.	Debate in the Lords concerning the Printing of Layer's Trial—Protest relating thereto	54
	Debate in the Lords on a Motion for the Judges, Counsel, &c. concerned in Layer's Trial, to attend the House—Protest on the said Motion passing in the Negative	56
29.	Debate on the Protest of January 21, relating to the Printing of Layer's Trial—Protest relating to the said Protest	57
	Farther Protests relating to the Printing of Layer's Trial	58
Feb. 16.	Protest against the Number of the Land Forces for the Year 1723	60
	REPORT OF THE COMMITTEE OF THE HOUSE OF COMMONS, CONCERNING THE PROJECT COMMONLY CALLED "THE HARBURGH LOTTERY"	62
	Resolutions of the Commons thereon	87
11.	A Petition of the Minters rejected by the Commons	88
	A Committee of the House of Commons appointed to inquire into pretended Privileged Places	88
27.	REPORT OF THE COMMITTEE OF THE HOUSE OF COMMONS APPOINTED TO INQUIRE INTO PRETENDED PRIVILEGED PLACES	88
	Resolutions of the Commons thereon	93
Mar. 1.	REPORT OF THE COMMITTEE OF THE HOUSE OF COMMONS APPOINTED TO EXAMINE CHRISTOPHER LAYER AND OTHERS, TOUCHING THE CONSPIRACY	95
8.	Debate in the Commons respecting the Conspiracy	195
11.	Debate in the Commons concerning the Bishop of Rochester	197
13.	Debate in the Commons concerning Dr. Friend	198
19.	A Bill to inflict Pains and Penalties on Plunkett and Kelly, brought in	199
20.	The Commons' Address of Congratulation on the Discovery of the Plot—The King's Answer	199
	Motion for Pancier and Skeene to attend the House of Lords, on account of Lord Strafford and Lord Kinmoul being mentioned, in Pancier's Deposition, to be concerned in the Conspiracy—Protest on their Attendance being refused	200

Digitized by Google

1723.

		Page
Mar. 20.	The Papers relating to the Plot laid before the House of Lords...	202
	The Lords appoint a Committee of Nine to inquire into the Plot	203
21.	The Lords Scarsdale, Strafford, Cowper, Craven, Gower, Bathurst and Bingley, complain of their Names being mentioned in the Commons' Report relating to the Plot	204
22.	The Bill to inflict Pains and Penalties on the Bishop of Rochester brought in.....	207
29.	Debate in the Commons on Plunkett's Punishment	209
	Petition of the Bishop of Rochester for Directions how to proceed about the Bill against him in the House of Commons—Debate thereon—Protest on that Occasion	209
April 4.	The Bishop of Rochester declines making his Defence at the Bar of the House of Commons	213
5.	The Bishop of Rochester's Petition, complaining of Violence being used in searching him in the Tower—Debate on a Motion for the Deputy Lieutenant, &c. to attend—Protest on their Attendance being refused.....	214
6.	Debate in the Commons concerning the Punishment of the Bishop of Rochester	216
23.	REPORT OF THE COMMITTEE OF THE HOUSE OF LORDS RELATING TO THE CONSPIRACY	216
24.	The Thanks of the House given to the said Committee	232
	The Lord Chancellor's Speech on that Occasion	233
26.	Proceedings in the Lords on the Bill against Plunket.....	234
27.	Plunket's Defence at the Bar of the House of Lords	236
	The Bill against Plunket passed—Protest against it	237
30.	Proceedings in the House of Lords on the Bill against Kelly.....	239
May 2.	A Motion to resolve, That certain Letters were not dictated by the Bishop of Rochester to Kelly—Protest on its passing in the Negative	242
	Kelly's Defence at the Bar of the House of Lords	244
	The Bill against Kelly passed	258
6.	PROCEEDINGS AGAINST THE BISHOP OF ROCHESTER	261
11.	The Bishop of Rochester's Defence at the Bar of the House of Lords	268
	Lord Lechmere moves, That Kelly be examined at the Bar, relating to the Bill against the Bishop of Rochester—Protest on the said Motion's passing in the Negative.....	290
13.	Further Proceedings on the Bill against the Bishop of Rochester	292
15.	Debate in the Lords on the third Reading of the Bill against the Bishop of Rochester	293
	The Bill for inflicting Pains and Penalties on the Bishop of Rochester passed—Protest against it	347
	Debate in the Commons on the Bill for laying a Tax upon Papists	353
20.	Debate in the Lords on the said Bill	362
27.	The King's Speech at the Close of the Session	363
	PRINCIPAL OCCURRENCES DURING THE RECESS—The King goes to Hanover—Promotions—The King's Clemency—State of Foreign Affairs—Wood's Half-pence—Death of Earl Cowper—The King returns to England	365

Digitized by Google

SECOND SESSION OF THE SIXTH PARLIAMENT OF GREAT BRITAIN.

1724.

		Page
Jan. 9.	The King's Speech on Opening the Session	372
	The Lords' Address of Thanks—The King's Answer	375
	The Commons' Address of Thanks—The King's Answer	376
22.	Debate in the Commons concerning the Number of the Land Forces	377
Feb. 13.	Resolutions respecting the Public Debts	378
18.	Order of the Commons respecting Protections	379
21.	Petition from the Sufferers by the Bahama Project—The said Petition rejected	379
25.	Order of the Lords respecting Protections	380
Mar. 3.	Petition respecting Foreign Gold	381
16.	Debate in the Lords on the Mutiny Bill	382
	Protest against the said Bill	392
April 24.	The King's Speech at the Close of the Session	393

THIRD SESSION OF THE SIXTH PARLIAMENT OF GREAT BRITAIN.

Nov. 12.	The King's Speech on Opening the Session	395
13.	The Lords' Address of Thanks—The King's Answer	401
14.	The Commons' Address of Thanks—The King's Answer	403
23.	Debate in the Commons on the Number of the Land Forces	404
24.	Report of Precedents of Punishments for Breach of the Privileges of the House of Lords	410
1725.		
Jan. 21.	The Earl of Suffolk committed to the Tower for granting Protections	414
23.	Petition of the Earl of Oxford and Lord Morpeth, complaining of the Deficiency of the Accounts of the Masters in Chancery	414
Feb. 9.	The King's Message concerning the Masters in Chancery	415
10.	The King's Message for the Maintenance of Eleven Ministers of the New Churches	415
12.	Debate in the Commons upon the King's Message respecting the Masters in Chancery	416
	The Commons resolve to impeach the Earl of Macclesfield of High Crimes and Misdemeanours	418
18.	Sir George Oxenden reports the Articles from the Committee of Impeachment against the Earl of Macclesfield	419
20.	Articles of Impeachment against the Earl of Macclesfield	420
April 8.	The Earl of Macclesfield's Answer to the Articles of Impeachment	436
	The King's Message relating to the Civil List Debts	453
	Debate in the Commons on the Civil List Debts	454
13.	Bill for regulating Elections in London—Protests relating thereto	455
16.	The Civil List Bill passed—Protest against it	459

Digitized by Google

1725.

Page

Apr. 20. Lord Finch offers to the Commons a Petition of Henry late Lord Viscount Bolingbroke—Debate thereon—A Bill ordered to be brought in accordingly 460

23. Replication of the Commons to the Earl of Macclesfield's Answer to the Articles of Impeachment 462

26. Protest against the Earl of Macclesfield's being tried at the Bar of the House of Lords 463

27. The Bill in favour of Viscount Bolingbroke passes the Commons 466

May 3. Protest against passing a Bill to disarm the Highlanders of Scotland 466

27. The Earl of Macclesfield is unanimously found Guilty 468

Protest on a Motion for disabling the Earl of Macclesfield from holding any Employment, passing in the Negative 470

Protest on a Motion to incapacitate the said Earl from sitting in Parliament, &c. passing in the Negative 473

The Speaker's Speech to the Managers of the Impeachment of the Earl of Macclesfield 475

Judgment pronounced upon the Earl of Macclesfield 477

Protest against committing the Bill in favour of Viscount Bolingbroke 478

Protest against passing the said Bill 479

31. The Earl of Macclesfield's Fine applied to the Relief of the Suitors in Chancery 481

The King's Speech at the Close of the Session 481

Principal Occurrences during the Recess—Knights of the Bath revived—The King sets out for Hanoyer—Riots in Scotland—Foreign Affairs—Treaty of Vienna—The King's stormy Passage to England 483

FOURTH SESSION OF THE SIXTH PARLIAMENT OF GREAT BRITAIN.

1726.

Jan. 20. The King's Speech at the Opening of the Session 491

The Lords' Address of Thanks—The King's Answer 494

The Commons' Address of Thanks—The King's Answer 495

28. Debate in the Commons on the Number of the Land Forces 497

Feb. 9. Debate on Mr. William Pulteney's Motion for appointing a Committee to state the Public Debts 501

10. Debate in the Commons on the Treaties of Hanover and Vienna 502

19. The Commons' Address of Thanks to the King for communicating the Treaties—The King's Answer 508

Debate in the Lords on the said Treaties 509

Lord Lechmere's Motion for a Clause to be added to the Address, relating to the King's German Dominions 510

Protest on the said Clause being rejected 511

The Lords' Address of Thanks to the King for communicating the Treaties—The King's Answer 512

Mar. 2. Petition of Richard Hampden, esq. for a Bill to empower the Lords of the Treasury to compound with him for the Debt he owed to the Crown 513

Digitized by Google

1726.

		Page
Mar. 2.	Petition of Sir T. Lowther, for purchasing the Reversion, in fee, of his Estate held by Grant from the Crown	513
7.	Petition of Sir Orlando Bridgman to the same purpose	514
11.	Debate in the Commons on Mr. Hampden's Petition	514
24.	The King's Message for an Additional Number of Seamen	516
	Debate in the Commons on the King's Message	516
Apr. 20.	The Earl of Strafford complains of a Message for an Additional Number of Seamen, being sent to the Commons only	518
	Lord Trevor moves to adjourn the Consideration thereof for a Month	518
	Protest on Lord Trevor's Motion being agreed to	519
27.	A Bill to prevent Bribery at Elections passes the Commons, but is thrown out in the Lords	521
May 13.	Mr. John Ward expelled the House of Commons for Forgery	521
24.	The King's Speech at the Close of the Session	522

FIFTH SESSION OF THE SIXTH PARLIAMENT OF GREAT BRITAIN.

1727.

Jan. 17.	The King's Speech on Opening the Session	523
18.	The Lords' Address of Thanks—The King's Answer	528
	Debate in the Commons on the Address of Thanks	529
19.	The Commons' Address of Thanks—The King's Answer	533
24.	Debate in the Lords on the King's Speech	535
	Resolution of the Lords, approving of the Measures taken with regard to Spain—Protest against the said Resolution	542
	Lord Lechmere moves for an Address to the King, to make farther Instances with the King of Prussia and the States General for their more entire concurrence with his Majesty—Protest against rejecting it	544
	Motion for a farther consideration of the King's Speech—Protest on its passing in the Negative	546
	A Supply voted	546
25.	Debate in the Commons on the Number of the Land Forces	547
Feb. 6.	Motion for a Copy of the Letter on which the King of Spain founded his Demand of the Restitution of Gibraltar	548
13.	Motion relating to the Sum of 125,000*l.* charged for Extraordinaries in the Account of the Deficiencies of last Year's Grants	549
15.	Petition from the Commissioners of Hawkers to enable them to compound for a Debt to the Crown	550
21.	The King's Answer to the Commons' Address relating to the Sum of 125,000*l.* charged for Extraordinaries	550
	Mr. Pulteney moves for a Second Address on that Head	550
28.	Report from the Committee relating to the Petition from the Commissioners of Hawkers, &c.	552
	Debate in the Commons thereon	553
Mar. 8.	Debate in the Commons on M. de Palm's abusive Memorial	553
15.	The Joint Address of both Houses to the King on M. de Palm's Memorial—The King's Answer	560
Apr. 12.	Debate in the Commons on a Motion for a Vote of Credit	563

Digitized by Google

1727.

Page

Apr. 18. Debate in the Lords on the Vote of Credit—Protest thereon 565
May 15. George the First's last Speech to his Parliament 567
Death of George the First 569

GEORGE THE SECOND,

A. D. 1727.

June 14. Accession of George the Second 579
15. The Parliament meets 594
27. The King's Speech to both Houses on his Accession to the Crown 595
The Lords' Address of Condolance, Congratulation, and Thanks —The King's Answer 596
30. The Commons' Address of Condolance, Congratulation, and Thanks—The King's Answer 597
July 3. Sir Robert Walpole's Motion for settling on the King the entire Revenues of the Civil List 599
Mr. Shippen's Speech on that Occasion 600
6. The King's Message for settling a Dowry on the Queen 605
17. The King's Speech at the Close of the Session 605
The Parliament dissolved 607

FIRST SESSION OF THE SEVENTH PARLIAMENT OF GREAT BRITAIN.

1728.

Jan. 23. Meeting of the New Parliament 607
List of the House of Commons 608
List of the Sixteen Peers of Scotland 628
Arthur Onslow, esq. chosen Speaker 629
27. The Speaker's Speech to the King on being presented and approved of 632
The King's Speech on Opening the Session..... 634
The Lords' Address of Thanks—The King's Answer..... 636
The Commons' Address of Thanks—The King's Answer 638
Feb. 9. Debate in the Commons on the Number of the Land Forces..... 642
14. Debate in the Commons on the Hessian Troops 643
19. Address for an Account of 250,000*l.* charged for Secret Service 644
23. The Committee of Supply resolve to raise 1,750,000*l.* on the Coal Duty 644
26. Petition of the City of London, for Relief with regard to the Coal Duty 645
29. The King's Answer to the Address for an Account of 250,000*l.* charged for Secret Service 646
Mar. 4. Debate in the Commons on the State of the National Debt 647
12. A Committee appointed to draw up a Representation of the State of the National Debt, the Sinking Fund, and the Public Credit 650

Digitized by Google

1728.

Page

April 5. Debate concerning the Omission of an Article of 300,000*l.* in the Account of the Public Debts 650

8. The Commons' Representation to the King on the State of the National Debt, the Sinking Fund, and the Public Credit 651

10. The King's Answer to the said Representation 665

May 6. The King's Message for a Vote of Credit 666

17. Mr. William Pulteney's Motion for an Account of Grants of Timber from the Crown 667

28. The King's Speech at the Close of the Session 667

SECOND SESSION OF THE SEVENTH PARLIAMENT OF GREAT BRITAIN.

1729.

Jan. 21. The King's Speech on Opening the Session 668

The Lords' Address of Thanks—The King's Answer..... 670

Debate in the Commons on the Address of Thanks 672

22. The Commons' Address of Thanks—The King's Answer 677

31. Debate in the Commons on the Number of the Land Forces..... 677

Feb. 3. Mr. William Pulteney's Observations on the Public Debt 680

6. Debate in the Lords on the Debtors' Relief Bill 680

7. Debate in the Commons upon the Hessian Troops 680

21. Petition of the American Merchants relating to the Depredations of the Spaniards..... 682

Resolution forbidding the publication of the Proceedings of the House of Commons 682

Mar. 11. Motion for an Account of 60,000*l.* charged for Secret Service ... 683

13. A Bill against Bribery at Elections ordered to be brought in ... 683

Petition of the Portuguese, Spanish, and Italian Merchants relating to the Depredations of the Spaniards 683

Representation from the Board of Trade asserting the Right of the Subjects of Great Britain to cut Logwood in the Bay of Campeachy 684

Resolution of the Commons relating to the Depredations of the Spaniards 694

An Address thereon presented to the King—The King's Answer thereto 694

18. Proceedings concerning the Restitution of Gibraltar 695

A Motion in the Lords, "That the King of Spain be obliged to renounce his Claim to Gibraltar and Minorca," passes in the Negative—Protest thereon 695

April 1. The Bribery Bill passes the Commons, and is sent up to the Lords 700

17. A Motion in the Lords to resolve, That Admiral Hosier's Expedition was an unreasonable Burthen upon the Nation, passes in the Negative—Protest thereon..... 701

23. Debate in the Commons on the Arrears of the Civil List 702

A List of the Members of the House of Commons who voted for and against granting 115,000*l.* for making good the Arrears of the Civil List 703

Digitized by Google

TABLE OF CONTENTS.

1729.

		Page
Feb. 25.	First Report of the Select Committee of the House of Commons, on the State of the Gaols of this Kingdom—State of the Fleet Prison	706
May 14.	Second Report of the same	731
5.	Bill against Bambridge, the Warden of the Fleet — Protest against reading it twice in one day	753
6.	Amendments made by the Lords to the Bill against Bribery and Corruption	753
7.	Debate in the Commons on the Amendments made to the Bribery Bill by the Lords	754
10.	Motion in the Lords for supplying the Deficiency in the Civil List.—Protest on that occasion	755
12.	Protest against passing the Clause for granting 115,000*l.* to the King	759
14.	The King's Speech at the Close of the Session	760
	Principal Occurrences during the Recess	761

THIRD SESSION OF THE SEVENTH PARLIAMENT OF GREAT BRITAIN.

1730.

Jan. 13.	The King's Speech on Opening the Session	765
	The Lords' Address of Thanks—The King's Answer	766
	The Commons' Address of Thanks—The King's Answer	768
28.	Debate in the Commons concerning the Number of the Land Forces	771
	Debate in the Lords on the Treaty of Seville	773
	The Duke of Devonshire moves the House to declare their approbation of the said Treaty—Protest against it	775
29.	The Lords' Address of Thanks for, and approbation of the Treaty of Seville—The King's Answer	777
Feb. 24.	Debate in the Commons on the Bill for prohibiting Loans to Foreign Powers	778
16.	The Pension Bill brought into the House of Commons	789
Mar. 19.	A Motion in the Lords for a List of Pensions passes in the Negative—Protest thereon	792
21.	Debate in the Lords on the Pension Bill	793
	Protest on a Resolution against committing the Pension Bill	794
	The Pension Bill rejected by the Lords—Protest thereon	797
Feb. 11.	The Commons' Address to the King respecting the Harbour of Dunkirk—The King's Answer	799
26.	A Petition against the Renewal of the East India Company's Charter rejected	800
Mar. 12.	Bill for the better regulating of Juries	802
	Third Report of the Select Committee on the State of the Gaols of this Kingdom	803
22.	Protest against the Mutiny Bill	826
Apr. 17.	Debate in the Lords on a Motion, That the Maintenance of 12,000 Hessian Troops was burthensome and unnecessary	826

Digitized by Google

1730.

		Page
Apr. 17.	Protest on the said Motion passing in the Negative	827
May 15.	The King's Speech at the Close of the Session	828

FOURTH SESSION OF THE SEVENTH PARLIAMENT OF GREAT BRITAIN.

1731.

Jan. 21.	The King's Speech on Opening the Session	830
	Debate in the Lords on the Address of Thanks—The King's Answer	831
	Debate in the Commons on the Address of Thanks	834
	The Commons' Address of Thanks—The King's Answer	839
Feb. 1.	A Bill brought in to prevent Pensioners from Sitting in the House of Commons	841
3.	Debate in the Commons concerning the Hessian Troops	841
6.	A Petition from several Bristol Merchants trading to America, complaining of the Spanish Depredations	842
10.	Debate concerning the Subsidy to the Duke of Wolfenbuttel	843
11.	Petitions against the Proceedings at Law being in Latin	843
17.	The Pension Bill passes the Commons	844
20.	Debate in the Lords on the Bill against Pensioners sitting in the House of Commons	844
	The Pension Bill rejected by the Lords—Protest thereon	854
23.	Petition from the Sugar Colonies in America	856
25.	Petition of the Liverpool Merchants complaining of the Depredations of the Spaniards in the West Indies	857
Mar. 3.	A Motion for a List of the Members of the House of Commons who had Pensions, rejected	857
4.	Motion for a Bill to prevent the Translation of Bishops	857
	The English Language Law Bill passes the Commons	858
5.	The Commons consider of the Petitions of the Merchants relating to the Spanish Depredations	859
Apr. 30.	Motion in the Commons for an Address to the King to discharge 12,000 Hessian Forces	860
May 3.	Debate in the Lords on the English Language Law Bill	860
	Petitions against the Charitable Corporation	861
7.	The King's Speech at the Close of the Session	862

FIFTH SESSION OF THE SEVENTH PARLIAMENT OF GREAT BRITAIN.

1732.

Jan. 13.	The King's Speech on Opening the Session	864
	The Lords' Address of Thanks—The King's Answer	867
	Debate in the Commons on the Address of Thanks	869
	The Commons' Address of Thanks—The King's Answer	881
25.	The Pension Bill brought into the Commons	882
26.	Debate in the Commons on the Number of the Land Forces	882
27.	Debate in the Commons on Mr. Pulteney's Motion for an Account of what Savings had been made by Vacancies in the Army	911

Digitized by Google

1732. Page

Jan. 27. Farther Debate in the Commons on the Number of Land Forces 913

28. Debate in the Commons on the Bill for securing the Trade of the Sugar Colonies in America 918

Debate in the Commons on a Motion for appointing a Committee to inspect and settle the Fees of the House 921

Debate in the Commons on a Petition of Sir Thomas Lombe relating to his Silk Engine 924

Debate in the Commons respecting the Out-Pensioners of Chelsea Hospital 929

Feb. 2. The Proceedings relating to the Sale of the late Earl of Derwentwater's Estate ordered to be laid before the Commons 936

3. Petition from the Proprietors of the Charitable Corporation, complaining of the Mismanagement of their Directors 936

Debate in the Commons on the said Petition 939

7. Sir Robert Walpole's Motion for reading the Pension Bill a third time 942

9. Debate in the Commons on Sir Robert Walpole's Motion for reviving the Salt Duty 943

10. The Pension Bill passes the Commons 987

11. Quarrel between Mr. Pulteney and Mr. Pelham 987

17. Debate in the Lords on the Pension Bill 988

The Pension Bill rejected by the Lords—Protest thereon 992

23. Debate in the Commons on the Sugar Colony Bill 992

Resolution of the Committee appointed to inspect and settle the Fees to be taken by the Officers and Servants of the House of Commons 1002

A Table of Fees to be demanded and taken by the Officers and Servants of the House of Commons 1003

24. Debate in the Lords on the Mutiny Bill 1006

Protest against the Mutiny Bill 1010

Mar. 7. Protest against allowing above 12,000 Men for the Army 1010

Feb. 25. Debate in the Commons concerning the Expulsion of Mr. Robinson, who, together with John Thompson, had fled beyond Sea, on Account of the Charitable Corporation 1012

A Bill ordered in for the Appearance of George Robinson and John Thompson 1014

Mar. 2. Debate in the Commons on the second Reading of the Salt Duty Bill 1014

7. A Bill, for Securing the Freedom of Parliaments, brought into the Commons 1025

Report from the Committee of the House of Commons to whom the Books, Instruments, and Papers relating to the Sale of the Estate of the late Earl of Derwentwater were referred 1026

23. The Bill, for Securing the Freedom of Parliaments, read the third time, and thrown out 1039

27. Debate in the Lords on the Bill for reviving the Salt Duty 1039

Motion to exempt Salt used in Manure—Protest on rejecting it 1057

Motion to exempt Home-made Salt used for victualling Ships—Protest on rejecting it 1057

Digitized by Google

1732.

Page

Mar. 27. Motion for restraining any Officer of the Salt Duty from being concerned in Elections—Protest on refusing a Clause for that purpose 1058

31. Debate in the Lords on the Third Reading of the Salt Bill—The Salt Bill passed—Protest against it 1061

Resolutions of the Commons on the Report relating to the fraudulent Sale of the Earl of Derwentwater's Estate 1063

A Bill ordered in for making void the said Sale 1064

Dennis Bond, and Serjeant Birch expelled the House..... 1065

Sir John Eyles voted guilty of an Irregularity; and ordered to be reprimanded by Mr. Speaker 1065

The Speaker's Reprimand to Sir John Eyles—Sir John Eyles's Reply 1066

The Thanks of the Commons given to Lord Gage for detecting the Fraudulent Sale of the Derwentwater Estate 1067

The Speaker's Speech to Lord Gage—Lord Gage's Reply 1067

April 3. Farther Debate concerning Robinson and Thompson..... 1069

George Robinson expelled the House on account of his Fraudulent Management of the Affairs of the Charitable Corporation 1069

6. The Bill for making void the Sale of the late Earl of Derwentwater's Estate brought in 1070

17. A Motion, That the Witnesses to be examined at the Second Reading of the said Bill, be examined upon Oath, passed in the Negative 1070

18. Report from the Committee of the House of Commons on the Fees of the Officers of the Court of Chancery 1071

Resolutions of the House of Commons thereon 1077

20. Farther Report of the Committee of the House of Commons relating to the Charitable Corporation 1077

May 4. Sir Robert Sutton and Sir Archibald Grant expelled the House on Account of the Charitable Corporation 1161

8. The Commons resolve, That the Persons who have been guilty of fraudulent Practices in the Management of the Charitable Corporation ought to make a just Satisfaction for the same ... 1161

16. Mr. Sandys reports from the Committee on the Charitable Corporation, That Signor Belloni had written to them from Rome, that Thompson was detained Prisoner there..... 1164

23. Signor Belloni's Letter 1164

Both Houses resolve, That Signor Belloni's Letter is an insolent Libel 1165

June 1. The King's Speech at the Close of the Session 1166

SIXTH SESSION OF THE SEVENTH PARLIAMENT OF GREAT BRITAIN.

1733.

Jan. 16. The King's Speech on Opening the Session 1168

The Lords' Address of Thanks—The King's Answer..... 1169

Debate in the Commons on the Address 1169

18. The Commons' Address of Thanks—The King's Answer 1176

31. Petition from the Proprietors of the Charitable Corporation 1177

Digitized by Google

1733. Page

Jan. 31. Debate on Mr. Sandys's Motion for bringing up the same Pension Bill, which was passed last session by the Commons, and rejected by the Lords 1177

Feb. 2. Debate in the Commons on the Number of the Land Forces 1184

7. Motion for raising the Supply for the current Year, without creating a New Debt on any of the Funds 1190

13. Debate in the Commons on the Spanish Depredations 1190

21. Debate in the Commons on the Trade of the Sugar Colonies..... 1195

The Pension Bill passes the Commons, and is again lost in the House of Lords 1200

23. Debate in the Commons on Sir Robert Walpole's Motion for issuing 500,000*l.* out of the Sinking Fund, for the Service of the Year 1733 1200

27. Debate in the Commons concerning a Call of the House, in expectation of Sir Robert Walpole's EXCISE SCHEME being brought in 1233

Mar. 6. Debate in the Lords on the Number of the Land Forces 1235

8. The Mutiny Bill passed—Protest against it..... 1260

Debate in the Commons concerning a Petition from Rhode Island and Providence against the Sugar Colony Bill..... 1261

9. Debate on Mr. Horatio Walpole's Motion for laying a Duty of 5*s.* per Gallon on all Foreign Brandies, for encouraging the Manufacture and Export of Home-made Spirits..... 1266

14. GREAT DEBATE IN THE HOUSE OF COMMONS, ON SIR ROBERT WALPOLE'S PROPOSING HIS EXCISE SCHEME 1268

A List of the Members of the House of Commons who voted for and against the Excise Scheme..... 1308

The Resolutions of the Committee, relating to the Excise Scheme, agreed to by the House of Commons, and a Bill ordered in accordingly 1328

II. ADDRESSES.

1722. Oct. 12. Of the Lords, on the King's Speech relating to the Conspiracy, 35.

17. Of the Commons, on the King's Speech relating to the Conspiracy, 41.

Nov. 17. Of both Houses, relating to the Pretender's Declaration, 50.

1723. Mar. 20. Of the Commons, on the Discovery of the Plot, 199.

1724. Jan. 9. Of the Lords, on the King's Speech, 375.

Of the Commons, on the King's Speech, 376.

Nov. 13. Of the Lords, on the King's Speech, 401.

14. Of the Commons, on the King's Speech, 403.

1725. June 20. Of the Lords, on the King's Speech, 494.

Of the Commons, on the King's Speech, 495.

1726. Feb. 19. Of the Commons, for communicating the Treaties, 508.

Of the Lords, for communicating the Treaties, 512.

1727. Jan. 18. Of the Lords, on the King's Speech, 527.

19. Of the Commons, on the King's Speech, 533.

Digitized by Google

[*Addresses continued.*]
1727. Mar. 15. Of both Houses, on M. de Palm's Memorial, 560.
June 27. Of the Lords, on the Accession of George the Second, 596.
30. Of the Commons, on the Accession of George the Second, 597.
1728. Jan. 29. Of the Lords, on the King's Speech, 636.
31. Of the Commons, on the King's Speech, 638.
April 8. Of the Commons; being a Representation to the King of the State of the National Debt, the Sinking Fund, and the Public Credit, 651.
1729. Jan. 21. Of the Lords, on the King's Speech, 670.
22. Of the Commons, on the King's Speech, 675.
Mar. 13. Of the Commons, respecting the Depredations of the Spaniards, 694.
1730. Jan. 13. Of the Lords, on the King's Speech, 766.
Of the Commons, on the King's Speech, 768.
29. Of the Lords, in Approbation of the Treaty of Seville, 777.
Feb. 11. Of the Commons, respecting the Harbour of Dunkirk, 798.
1731. Jan. 21. Of the Lords, on the King's Speech, 833.
Of the Commons, on the King's Speech, 839.
1732. Jan. 13. Of the Lords, on the King's Speech, 867.
Of the Commons, on the King's Speech, 880.
1733. Jan. 16. Of the Lords, on the King's Speech, 1169.
18. Of the Commons, on the King's Speech, 1176.

III. ARTICLES OF IMPEACHMENT.

1725. Mar. 20. Against the Earl of Macclesfield, 420—The Earl's Answer, 436.

IV. KING'S SPEECHES.

George the First.

1722. Oct. 11. On Opening the Session, 25.
1723. May 27. At the Close of the Session, 364.
1724. Jan. 9. On Opening the Session, 372.
Apr. 24. At the Close of the Session, 394.
Nov. 12. On Opening the Session, 395.
1725. May 31. At the Close of the Session, 481.
1726. Jan. 20. On Opening the Session, 491.
May 24. At the Close of the Session, 522.
1727. Jan. 17. On Opening the Session, 523.
May 15. At the Close of the Session, 567.

George the Second.

June 27. On his Accession to the Crown, 595.
July 6. At the Close of the Session, 606.
1728. Jan. 27. On Opening the Session, 634.
May 28. At the Close of the Session, 667.

Digitized by Google

[*King's Speeches continued.*]
1729. Jan. 21. On Opening the Session, 668.
May 14. At the Close of the Session, 760.
1730. Jan. 13. On Opening the Session, 764.
May 15. At the Close of the Session, 828.
1731. Jan. 21. On Opening the Session, 831.
May 7. At the Close of the Session, 862.
1732. Jan. 13. On Opening the Session, 864.
June 1. At the Close of the Session, 1166.
1733. Jan. 16. On Opening the Session, 1168.

V. KING'S MESSAGES.

GEORGE THE FIRST.

1722. Nov. 16. Concerning the Pretender's Declaration, 47.
1725. Feb. 9. Concerning the Masters in Chancery, 415.
10. For the Maintenance of eleven Ministers of the New Churches, 415.
April 8. Relating to the Civil List Debts, 453.
1726. Mar. 24. For an Additional Number of Seamen, 516.

GEORGE THE SECOND.

1728. May 6. For a Vote of Credit, 666.

VI. LISTS.

1722. Oct. 9. Of the House of Commons in the Sixth Parliament of Great Britain, 1.
Of the Sixteen Peers of Scotland, 21.
1728. Jan. 23. Of the House of Commons in the Seventh Parliament of Great Britain, 608.
Of the Sixteen Peers of Scotland, 628.
1729. Apr. 23. Of the Members of the House of Commons, who voted for and against granting 115,000*l.* for making good the Arrears of the Civil List, 703.
1733. Mar. 14. Of the Members of the House of Commons who voted for and against Sir Robert Walpole's Excise Scheme, 1308.

VII. PETITIONS.

1723. Mar. 29. Of the Bishop of Rochester for Directions how to proceed with regard to the Bill against him in the House of Commons, 209.
April 5. Of the Bishop of Rochester, complaining of Violence being used in searching him in the Tower, 213.
1725. Jan. 23. Of the Earl of Oxford and Lord Morpeth, complaining of the Deficiency of the Accounts of the Masters in Chancery, 414.
Apr. 20. Of Henry late Lord Viscount Bolingbroke, 460.

Digitized by Google

[*Petitions continued.*]

1729. Feb. 21. Of the American Merchants, relating to the Depredations of the Spaniards, 682.

Mar. 13. Of the Portuguese, Spanish, and Italian Merchants, relating to the Depredations of the Spaniards, 683.

1730. Feb. 26. Against the Renewal of the East India Company's Charter, 800.

1731. Feb. 23. From the Sugar Colonies in America, 856.

May 3. Against the Charitable Corporation, 861.

1732. Feb. 3. From the Proprietors of the Charitable Corporation, complaining of the Mismanagement of their Directors, 936.

VIII. PROTESTS.

1722. Oct. 11. Against the Bill for suspending the Habeas Corpus Act, 30.

26. Against the Committal of the Duke of Norfolk to the Tower on a Suspicion of High Treason, 44.

1723. Jan. 21. Concerning the printing of Layer's Trial, 55, 58.

On a Motion passing in the Negative, for the Judges, Counsel, &c. concerned in Layer's Trial to attend the House, 56.

29. Relating to the above Protest, 57.

Relating to the Conspiracy, 60.

Feb. 16. Against the Number of Land Forces for the Year 1723, 60.

Mar. 9. On the Attendance of Pancier and Skeene on account of Lord Strafford and Lord Kinnoul being mentioned in Pancier's Deposition to be concerned in the Conspiracy, 201.

21. On Plunkett's Attendance being refused, 207.

29. On the Bishop of Rochester's making his Defence in the House of Commons, 210.

April 5. On the Bishop of Rochester's Petition, complaining of Violence being used in searching him in the Tower, 214.

27. Against passing the Bill against Plunkett, 237.

May 2. On a Motion to resolve, That certain Letters were not dictated by the Bishop of Rochester to Kelly, passing in the Negative, 242.

Against passing the Bill against Kelly, 258.

7. Against a Resolution to suffer no farther Inquiry into the Secretary of State's Warrants for intercepting Letters, 262.

11. On a Motion, That Kelly be examined at the Bar of the House of Lords, relating to the Bill against the Bishop of Rochester, passing in the Negative, 290.

25. Against passing the Bill for inflicting Pains and Penalties on the Bishop of Rochester, 347.

1724. Mar. 16. Against the Mutiny Bill, 392.

1725. Apr. 13. Against the Bill for regulating Elections in London, 455.

16. Against passing the Civil List Bill, 459.

26. Against the Earl of Macclesfield being tried at the Bar of the House of Lords, 463.

May 3. Against passing a Bill to disarm the Highlanders of Scotland, 466.

27. On a Motion for disabling the Earl of Macclesfield from holding any Employment, passing in the Negative, 470.

Digitized by Google

[*Protests continued.*]

1725. May 27. On a Motion to incapacitate the said Earl from sitting in Parliament, &c. passing in the Negative, 473.

23. Against committing the Bill in favour of Lord Bolingbroke, 478.

24. Against passing the said Bill, 479.

1726. Feb. 17. On a Motion for a Clause to be added to the Address, relating to the King's German Dominions, passing in the Negative, 511.

Apr. 20. On a Message from the King for an Additional Number of Seamen being sent to the Commons only, 519.

1727. Jan. 24. Against a Resolution approving of the Measures taken with respect to Spain, 542.

Against rejecting a Motion for an Address to the King, to make farther Instances with the King of Prussia and the States General for their more entire concurrence with his Majesty, 545.

On a Motion for a farther Consideration of the King's Speech passing in the Negative, 546.

Apr. 18. On the Vote of Credit, 565.

1729. Mar. 21. On a Motion, That the King of Spain be obliged to renounce his Claim to Gibraltar and Minorca, passing in the Negative, 696.

Apr. 17. On a Motion to resolve, That Admiral Hosier's Expedition was an unreasonable Burthen upon the Nation, passing in the Negative, 701.

May 10. On a Motion for supplying the Deficiencies in the Civil List, 756.

12. Against passing the Clause for granting 115,000*l.* to the King, 759.

1730. Jan. 27. Against the Treaty of Seville, 775.

Mar. 19. On a Motion for a List of Pensioners passing in the Negative, 792.

21. On a Resolution against Committing the Pension Bill, 794.

On the rejection of the Pension Bill, 797.

22. Against the Mutiny Bill, 826.

Apr. 17. On a Motion, That the Maintenance of 12,000 Hessian Troops was burthensome and unnecessary, passing in the Negative, 827.

1731. Feb. 20. On the Rejection of the Pension Bill, 855.

1732. Feb. 17. On the Rejection of the Pension Bill, 992.

Mar. 29. On rejecting a Motion to exempt from the Duty, Salt used for Manure, 1057.

On rejecting a Motion to exempt from the Duty, Salt used for victualling Ships, 1058.

On rejecting a Clause, For restraining any Officer of the Salt Duty from being concerned in Elections, 1058.

31. Against passing the Salt Bill, 1061.

1733. Mar. 8. Against passing the Mutiny Bill, 1260.

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IX. REPORTS.

1723. Feb. 1. Of the Committee of the House of Commons, concerning the Project commonly called "The Harburgh Lottery."

27. Of the Committee of the House of Commons appointed to inquire into pretended Privileged Places, 88.

Mar. 1. Of the Committee of the House of Commons appointed to examine Christopher Layer and others, touching the Conspiracy, 95.

Apr. 23. Of the Committee of the House of Lords relating to the Conspiracy, 216.

1724. Nov. 20. Of Precedents of Punishments for Breach of the Privileges of the House of Lords, 410.

1729. Feb. 25. Of the Select Committee of the House of Commons on the State of the Gaols of this Kingdom, 706. Second Report, 731. Third Report, 803.

Feb. 22. Of the Committee of the House of Commons appointed to inspect and settle the Fees to be taken by the Officers and Servants of the House of Commons, 1002.

1732. Mar. 13. Of the Committee of the House of Commons respecting the Fraudulent Sale of the late Earl of Derwentwater's Estate, 1026.

Apr. 18. Of the Committee of the House of Commons on the Fees of the Officers of the Court of Chancery, 1071.

Apr. 20. Of the Committee of the House of Commons relating to the Charitable Corporation, 1077.

X. OFFICERS OF STATE.

PERSONS FILLING THE SEVERAL HIGH OFFICES IN CHURCH AND STATE FROM OCTOBER THE NINTH, 1722, TO MARCH THE SIXTEENTH, 1733.

Archbishops.

1715.	Archbishop of Canterbury	William Wake, translated from Lincoln.
1713.	- - - - - - - York	Sir William Dawes, bart. translated from Chester.
1724.	- - - - - - - ———	Lancelot Blackburn, translated from Exeter.

Bishops.

1714.	Bishop of St. Asaph	John Wynne.
1727.	- - - - - ———	Francis Hare.
1731.	- - - - - ———	Thomas Tanner.
1721.	- - - - - Bangor	Richard Reynolds.
1723.	- - - - - ———	William Baker.
1727.	- - - - - ———	Thomas Sherlock.

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[*Bishops continued.*]

1703.	Bishop of Bath and Wells.....	George Hooper.
1727.	- - - - - ———	John Wynne.
1719.	- - - - - Bristol	Hugh Boulter.
1724.	- - - - - ———	William Bradshaw.
1732.	- - - - - ———	Charles Cecil.
1722.	- - - - - Chichester.	Thomas Bowers.
1724.	- - - - - ———	Edward Waddington.
1731.	- - - - - ———	Francis Hare.
1714.	- - - - - Coventry and Litchfield	Edward Chandler.
1730.	- - - - - ———	Richard Smalbrooke.
1712.	- - - - - St. David's.....	Adam Ottley.
1723.	- - - - - ———	Richard Smalbrooke.
1731.	- - - - - ———	Elias Sydall.
1731.	- - - - - ———	Nicholas Clagett.
1713.	- - - - - Ely.....	William Fleetwood.
1723.	- - - - - ———	Thomas Greene.
1716.	- - - - - Exeter	Lancelot Blackburn.
1724.	- - - - - ———	Stephen Weston.
1721.	- - - - - Gloucester	Joseph Wilcocks.
1731.	- - - - - ———	Elias Sydall.
1721.	- - - - - Hereford	Benjamin Hoadly.
1723.	- - - - - ———	Henry Egerton.
1706.	- - - - - Landaff	John Tyler.
1724.	- - - - - ———	Robert Clavering.
1729.	- - - - - ———	John Harris.
1715.	- - - - - Lincoln	Edmund Gibson.
1723.	- - - - - ———	Richard Reynolds.
1713.	- - - - - London	John Robinson.
1723.	- - - - - ———	Edmund Gibson.
1721.	- - - - - Norwich	Thomas Green.
1723.	- - - - - ———	John Leng.
1727.	- - - - - ———	William Baker.
1732.	- - - - - ———	Robert Butts.
1715.	- - - - - Oxford	John Potter.
1718.	- - - - - Peterborough.....	White Kennet.
1728.	- - - - - ———	Robert Clavering.
1713.	- - - - - Rochester	Francis Atterbury.
1723.	- - - - - ———	Samuel Bradford.
1731.	- - - - - ———	Joseph Wilcocks.
1721.	- - - - - Salisbury	Richard Willis.
1723.	- - - - - ———	Benjamin Hoadley.

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[*Bishops continued.*]

1721. Bishop of Winchester ..... Charles Trimnell.
1723. - - - - - ——— ..... Richard Willis.
1717. - - - - - Worcester ..... John Hough.
1718. - - - - - Carlisle ..... Samuel Bradford.
1723. - - - - - ——— ..... John Waugh.
1713. - - - - - Chester ..... Francis Gastrell.
1726. - - - - - ——— ..... Samuel Peploe.
1722. - - - - - Durham ..... William Talbot.
1730. - - - - - ——— ..... Edward Chandler.

Lord High Chancellors.

1718. ..... Thomas, Lord Parker, May 12. Created Viscount Parker and Earl of Macclesfield, November 5, 1721. Resigned, January 4, 1725.
1724. ..... Sir Joseph Jekyll, knt. Master of the Rolls; Sir Jeffery Gilbert, knt. one of the Barons of the Exchequer; and Sir Robert Raymond, knt. one of the Justices of the King's Bench; Commissioner of the Great Seal, January 7.
1725. ..... Sir Peter King, knt. Lord Keeper, June 1.
1727. ..... ——— created Baron King of Ockham, and made Lord Chancellor, June 16.

Principal Secretaries of State.

1721. Feb. 8. Charles, Viscount Townshend, vice Lord Stanhope.
Mar. 4. John, Lord Carteret, afterwards Earl Grenville, vice Mr. Craggs.
1724. April 1. Thomas Holles, Duke of Newcastle, vice Lord Carteret.
1730. May 8. William, Lord Harrington, (afterwards Earl of Harrington,) vice Lord Townshend.

Speakers of the House of Commons.

1722. ..... The Honourable Spencer Compton.
1727. ..... Arthur Onslow, esq.

Commissioners for executing the Office of Lord High Treasurer of England.

GEORGE THE FIRST.

1721. April 3. Robert Walpole, esq. Chancellor of the Exchequer.
George Baillie, esq.
Sir Charles Turner, bart.
Richard Edgecumbe, esq. (afterwards Lord Edgecumbe.)
Hon. Henry Pelham.

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[*Commissioners, &c. continued.*]

1724. Mar. 23. Robert Walpole, esq. Chancellor of the Exchequer.
George Baillie, esq.
Sir Charles Turner, bart.
Hon. Henry Pelham.
William Yonge, esq.

1724. April 2. Robert Walpole, esq. Chancellor of the Exchequer.
George Baillie, esq.
Sir Charles Turner, bart.
William Yonge, esq.
George Doddington, esq.

1725. May 27. Sir Robert Walpole, K. B. Chancellor of the Exchequer.
Sir Charles Turner, bart.
Sir William Yonge, K. B.
George Doddington, esq.
Sir William Strickland, bart.

GEORGE THE SECOND.

1727. July 28. Sir Robert Walpole, K. G. and Chancellor of the Exchequer.
Sir Charles Turner, bart.
George Doddington, esq.
Sir George Oxendon, bart.
William Clayton, esq.

1730. May 11. Sir Robert Walpole, K. G. Chancellor of the Exchequer.
George Doddington, esq.
Sir George Oxenden, bart.
William Clayton, esq. (afterwards Lord Sundon.)
Sir William Yonge, K. B.

MASTER OF THE ROLLS.

1717. July 13. Sir Joseph Jekyll.

ATTORNEYS GENERAL.

1720. May 9. Sir Robert Raymond, knt. (afterwards Lord Raymond.)
1723. Jan. 31. Sir Philip Yorke, knt. (afterwards Earl of Hardwicke.)

SOLICITORS GENERAL.

1719. Mar. 22. Sir Philip Yorke, knt.
1723. Feb. 3. Sir Clement Wearg, knt.
1726. Apr. 23. Charles Talbot, esq.

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INDEX

OF THE NAMES OF THE SEVERAL SPEAKERS IN BOTH HOUSES OF PARLIAMENT.

Abingdon, Earl of, 1006.
Anglesea, Earl of, 54.
Argyle, Duke of, 334, 391, 537, 861, 1241.
Aston, Sir Thomas, 925, 1175, 1192, 1265.
Aylesford, Earl of, 1007.

Bangor, Bishop of (Dr. Hoadley) 847.
Barnard, John, 502, 786, 892, 927, 996, (Sir John) 1170, 1174, 1199, 1206, 1233, 1261, 1202, 1291, 1307, 1314.
Bathurst, Lord, 206, 332, 389, 519, 535, 773, 1049, 1249.
Bingley, Lord, 539.
Bladen, Martin, 506, 919, 1000, 1198.
Bond, Denis, 942.
Bootle, Mr. 912.
Bristol, Earl of, 1260.
Bromley, W. 38.

Cadogan, Lord, 207.
Carey, Walter, 1195.
Carteret, Lord, 55, 389, 540, 831, 990, 1040, 1061, 1251.
Cæsar, Charles, 38.
Chester, Bishop of, (Dr. Francis Gastrell) 308.
Chesterfield, Earl of, 1236.
Clayton, Mr. 516, 1024.
Clutterbuck, Mr. 809, 1180.
Compton, Spencer, 21, 23, 475.
Conduit, John, 1192, 1264.
Cotton, Sir John Hinde, 1306.
Cowper, S. 38.
Cowper, Earl, 204, 334, 363.
Croft, Sir Archer, 1185.

Danvers, Joseph, 788, 874.
Delawar, Lord, 988, 1007.
Doddington, G. B. 531, 1196.
Drummond, John, 928.
Dundas, Robert, 956.

Erle, Giles, 1001.
Eyles, Sir John, 514, 1067.

Falmouth, Lord, 989.
Fane, F. 788.
Finch, Lord, 507.
Finlater, Earl of, 334.
Fitzwilliam, Lord, 553.
Friend, Dr. 51.

Gage, Lord, 52, 1068.
Gould, John, 785.
Gould, Sir Nathaniel, 645.
Grant, Sir Archibald, 942.

Hanmer, Sir Thomas, 531.
Harcourt, Lord, 210.
Heathcote, George, 837, 995, 1296.
Hervey, Lord, 882.
Hopkins, Mr. 941.
Hungerford, Mr. 405, 530, 564, 645.

Jefferies, Mr. 196.
Jekyll, Sir Joseph, 38, 195, 362, 501, 676, 1295.
Ilay, Earl of, 861, 1007, 1051, 1259.

Knight, John, 1170.

Lawson, Gilfrid, 216.
Lawson, Sir Wilfrid, 870, 1190.
Lechmere, Lord, 290, 334, 509, 510, 518, 541, 544.
Lutwyche, Thomas, 354.

Methuen, Paul, 461, (Sir Paul) 1285, 1291.
Miller, Serjeant, 462.
Montague, Wortley, 785.
Morpeth, Lord, 380, 882, 1188.

Newcastle, Duke of, 509, 992, 1048, 1061, 1238.
Noel, Thomas, 897.

Oglethorpe, James, 216, 730, 875, 920, 924, 927, 939, 1000.
Onslow, Arthur, 52, 515, 629, 631, 922, 1067, 1183.
Oxenden, Sir George, 416.
Oxford, Earl of, 1236.

Pelham, Henry, 404, 497, 506, 771, 786, 876, 892, 915, 931, 1187, 1215, 1234.

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Pengelly, Thomas, 419.
Perry, Micajah, 918, 919, 924, 995, 1234, 1281.
Peterborough, Earl of, 540.
Plomer, Walter, 419, 786, 887, 893, 914, 915, 923, 945, 1016, 1024, 1174, 1180, 1194, 1327.
Poulet, Earl, 293.
Pulteney, William, 37, 198, 417, 454, 502, 507, 550, 553, 644, 646, 675, 681, 755, 872, 904, 912, 916, 923, 929, 933, 942, 970, 1014, 1187, 1191, 1203, 1221, 1264, 1297, 1325.
Pulteney, Daniel, 505, 647, 779, 1193.

Raymond, Sir R. 39.
Raymond, Lord, 861.
Robinson, Sir Thomas, 940, 1318.
Rochester, Bishop of, (Dr. Francis Atterbury) 268.
Rolle, Mr. Henry, 1187.
Ross, General, 912.
Rushout, Sir John, 925, 931, 1015, 1224, 1235.

Salisbury, Bishop of, (Dr. Willis) 293.
Sandys, Samuel, 919, 922, 1171, 1178, 1182, 1216, 1235, 1265, 1267.
Scarborough, Earl of, 519.
Scrope, John, 1015, 1196, 1214.
Shippen, William, 37, 198, 405, 497, 506, 515, 516, 530, 600, 771, 871, 1161, 1172, 1186, 1189, 1218, 1222.
Snell, Mr. 404.
Stanley, Sir Edward, 1179.
Strafford, Earl of, 207, 391, 392, 510, 535, 680, 853, 988, 1008, 1240.
Strickland, Sir William, 629, 882, 911, 914, 930.
Sutton, Sir Robert, 942.

Talbot, Charles, 22.
Taylor, Joseph, 1216.
Thompson, Sir William, 52.
Townshend, Lord, 206, 264, 384, 509, 537, 680, 774.
Treby, George, 404.
Trenchard, George, 361.
Trevor, Lord, 333, 382.
Tweedale, Marquis of, 1236.
Tyrconnel, Lord, 869, 1262.

Wade, General, 917.
Waller, Edmund, 915, 1216.
Walpole, Mr. Robert, 39, 52, 198, 362, 380, 461, 501, 502. 507, 515, 532, 648, (Sir Robert) 681, 778, 782, 785, 857, 900, 913, 916, 934, 943, 959, 1017, 1173, 1181, 1185, 1187, 1191, 1194, 1200, 1205, 1227, 1267, 1268, 1304.
Walpole, Horatio, 503, 532, 643, 877, 895, 950, 1185, 1197, 1266.
Wharton, Duke of, 210, 308.
Winchelsea, Earl of, 1039, 1236.
Winnington, Mr. 918, 923, 992, 1179, 1262.
Wyndham, Sir William, 197, 418, 530, 553. 788, 874, 889, 917, 921, 951, 1020, 1180, 1185, 1209, 1222, 1233, 1267, 1301.
Vernon, E. 675, 941, 948.

Yonge, William, 51, 197, 409, (Sir William) 515, 517, 553. 887, 912, 921, 1179, 1181, 1220, 1235, 1261.
Yorke, Sir Philip, 787, 893, 1287.

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COBBETT'S

Parliamentary History.

9 GEORGE THE FIRST, A. D. 1722.

FIRST SESSION OF THE SIXTH PARLIAMENT OF GREAT BRITAIN.

Meeting of the New Parliament.] October 9, 1722. This day the New Parliament being met at Westminster pursuant to the proclamation for that purpose, his Majesty came to the House of Peers, with the usual state and solemnity, and the Commons being sent for up, and attending, his majesty's pleasure was signified to them, by the Lord Chancellor, that they should return to their house and choose a Speaker, and present him to his majesty on Thursday the 11th instant.

List of the House of Commons.] The following is a List of the Members of the House of Commons:

A LIST of the HOUSE OF COMMONS in the Sixth Parliament of Great Britain, which met at Westminster, October 9, 1722.

BEDFORDSHIRE.

Sir Rowland Alston, Charles Leigh.

Bedford.

William Farrer,

George Huxley,—Made a commissioner of the Victualling-office; a new writ ordered, May 31, 1725. He was afterwards chosen for Newport in the Isle of Wight.

John Thurloe Brace.

BERKSHIRE.

Sir John Stonhouse, Robert Packer.

Windsor.

Charles e. of Burford,—Succeeded his father as duke of St. Albans; a new writ ordered, May 23, 1726.

Lord Vere Beauclerk, Will. e. of Inchiquin.

Reading.

Anthony Blagrave, Clement Kent.

Wallingford.

William Hucks, George lord Parker.

Abingdon.

Robert Hucks.

BUCKS.

Sir Thomas Lee, Mont. Gerard Drake.

Buckingham.

Alexander Denton,—Made a judge of the Common Pleas: a new writ ordered, October 15, 1722.

William Heathcote.

Richard Grenville,—Brother-in-law to lord Cobham: died, a new writ ordered, Feb. 21, 1727.

John Fane.

Chipping Wicomb.

Henry lord Shelbourn,

Charles Egerton,—Died; a new writ ordered, Jan. 21, 1726.

Charles Collyear, Harry Waller.

Aylesbury.

Richard Abel,

John Guise,—Colonel in the Guards.

Agmondesham.

Ralph, visc. Fermanagh.

M. Garrard Drake,—Made his election for the county.

Thomas Chapman.

Wendover.

Richard Hampden,—A teller of the Exchequer.

Sir Richard Steele,—Master of the royal company of comedians.

Great-Marlow.

Sir John Guise, Edmund Waller.

CAMBRIDGESHIRE.

Sir John Hynd Cotton,

Edward lord Harley,—Succeeded his father as earl of Oxford; a new writ ordered, Nov. 12, 1724.

Samuel Shepherd.

Univ. of Cambridge.

Thomas Willoughby, Dixie Windsor.

Town of Cambridge.

Sir J. Hynd Cotton,—Made his election for the county.

Gilbert Affleck, Tho. Sclater Bacon.

CHESHIRE.

Charles Cholmondeley,

John Crew Offley,—A gentleman of the Privy chamber.

Chester.

Sir Rich. Grosvenor,—Died; a new writ ordered, Jan. 16, 1733.

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Sir Rich. Grosvenor, Sir Rob. Grosvenor,
Sir Tho. Grosvenor,—Died; a new writ ordered, Feb. 22, 1733.

CORNWALL.

Sir John St. Aubin, Sir William Carew.

Launceston.

John Friend,—Not duly elected, but he was rechosen on the death of Mr. Pendarvis. In 1723, he was committed to the Tower for high treason, but discharged without trial.

Alexander Pendarvis,—Died; a new writ ordered, March 17, 1725.

John Willes,—Made second justice of Chester; and a new writ ordered, May 23, 1726. He afterwards was chosen for Weymouth, &c.

John Friend, Henry Vane.

Leskard.

John Lansdell,—Deputy treasurer of the Ordnance.

Edward Elliot,—A commissioner of the Victualling-office. Died; a new writ ordered, October 17, 1722.

Thomas Clutterbuck,—Secretary to the lord Carteret, as lord-lieutenant of Ireland.

Lestwithiel.

Philip lord Stanhope,—Gentleman of the bedchamber to the prince; made captain of the Yeomen of the Guard, and a new writ ordered, Jan. 27, 1724.

Will. m. of Hartington,—Made his election for Grampound; a new writ ordered, Jan. 27, 1724.

Henry Parsons,—Purveyor of Chelsea hospital; made a commissioner of the Victualling-office; a new writ ordered, Jan. 17, 1726. He was afterwards elected for Malden.

Sir Orlando Bridgman, Sir W. Stanhope.

Truroe.

Spencer Cowper, Thomas Wyndham.

Bodmin.

Richard West,—Made lord chancellor of Ireland; and a new writ being ordered, May 31, 1725, he was re-elected, and died; a new writ ordered, Jan. 18, 1727.

Isaac Leheup,—Envoy to the Diet at Ratisbon.

John Laroche.

Helston.

Walter Cary,—One of the clerks of the council, made warden of the Mint; and a new writ being ordered, May 31, 1725, he was re-elected.

Sir Rob. Raymond,—Made a justice of the King's-bench: a new writ ordered, Feb. 5, 1724.

Sir Clement Wearg,—His majesty's solicitor-general; died, a new writ ordered, May 3, 1726.

Exton Sayer.

Saltash.

Edward Hughes,—Advocate-general of the judge-marshal of the army.

Thomas Swanton,—Comptroller of the navy: died, a new writ ordered, Jan. 24, 1723.

Philip Loyd.

Camelford.

Henry e. of Drogheda, William Sloper.

West Looe.

Sir John Trelawney,—Gentleman of the bedchamber to the prince.

George Delaval,—Died; a new writ ordered, Jan. 9, 1724.

Edward Trelawney,—Made a commissioner of the Victualling-office; and a new writ being ordered, Jan. 29, 1726, he was re-elected.

Grampound.

William marq. of Hartington,—Made captain of the band of pensioners; and a new writ being ordered, May 23, 1726, he was re-elected.

Humphry Morice.

East Looe.

John Smith,—Died: a new writ ordered, Jan. 9, 1724.

Horatio Walpole,—Auditor of the plantations, and joint secretary of the Treasury with William Lowndes, esq. made his election for Yarmouth, Norfolk.

George visc. Malpas,—Made master of his majesty's robes: and a new writ being ordered, May 12, 1727, he was re-elected.

William Lowndes,—Died: a new writ ordered, Feb. 23, 1724.

Sir Henry Hoghton.

Penryn.

Edward Vernon, Sidney Meadows.

Tregony.

James Cooke,

John Merril,—Deputy-cofferer of the household.

Bossiney.

Robert Corker,

Henry Kelsal,—A clerk of the Treasury.

St. Ives.

Sir J. Hobart, Henry Knollys.

Foxey.

John Goodall,—Died; a new writ ordered, March 3, 1725.

Nicholas Vincent,—Died; a new writ ordered, Jan. 1727.

Will. Bromley, jun. Rich. visc. Fitzwilliams.

St. Germains.

John lord Binny,—A commissioner of trade in Scotland.

Philip Cavendish,—Treasurer of Greenwich hospital.

St. Michael.

Charles Selwyn,——Gentleman-usher to the princess of Wales.

John Hedges.

Newport.

Sir Nicholas Morice,—A new writ ordered, Feb. 9, 1726.

Sir William Pole,—Made his election for Honiton.

Thomas Herbert, John Morice.

St. Maws.

Sidney Godolphin,

Samuel Travers,—Died: a new writ ordered, Jan. 20, 1726.

Samuel Molyneux.

Kellington.

Thomas Lutwyche,——One of his majesty's counsel at law.

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Thomas Copleston.

CUMBERLAND.

Sir Christ. Musgrave, Gilfred Lawson.

Carlisle.

James Bateman, Henry Aglionby.

Cockermouth.

Sir Thomas Pengelly,—His majesty's premier-serjeant, made lord chief baron of the Exchequer: a new writ ordered, Jan. 19, 1727.

Sir Wilfred Lawson,—Groom of the bedchamber to his majesty.

William Finch,—Envoy extraordinary to the States General.

DERBYSHIRE.

Godfrey Clarke, Sir John Curzon.

Derby.

Lord Jas. Cavendish, Thomas Bailey.

DEVONSHIRE.

Sir Will. Courtenay, Sir Cop. W. Bampfylde.

Exeter.

John Rolle, Francis Drew.

Totness.

Sir Charles Wilies,—Colonel of the first regiment of foot guards.

Joseph Banks.

Plymouth.

William Chetwynd,—A lord of the Admiralty.

Patee Byng,—Made treasurer of the Navy; and a new writ being ordered, April 18, 1724, he was re-elected.

Oakhampton.

Robert Pitt,—Clerk of the green-cloth to the prince of Wales.

John Crowley.

Barnstable.

Thomas Whetham,—Lieutenant-general of his majesty's forces, and colonel of a regiment of foot.

Sir Hugh Ackland.

Plympton.

George Treby,—Made one of the tellers of the Exchequer; and a new writ being ordered, April 9, 1724, he was re-elected.

Richard Edgecumbe,—Made joint-vice-treasurer, receiver-general, and paymaster-general of all his majesty's revenues in Ireland; and a new writ being ordered, April 9, 1724, he was re-elected.

Honiton.

Sir W. Yonge,—Made a lord of the Treasury, and a new writ being ordered, April 2, 1724, he was re-elected.

Sir William Pole.

Tavistock.

Sir Francis H. Drake, Sir John Cope.

Ashburton.

Richard Reynel, Roger Tuckfield.

Dartmouth.

George Treby,—Colonel in the guards.

Thomas Martyn,—Made one of his majesty's justices for the counties of Carnarvon, Merioneth, and Anglesea; and a new writ being ordered, May 23, 1726, he was re-elected.

Beralston.

St. John Broderick,

Sir John Hobart,—Made his election for St. Ives. A new writ ordered, Jan. 24, 1724.

Sir Robert Rich.

Tiverton.

Arthur Arscot,

Thomas Bere,—Died: a new writ ordered, Jan. 20, 1726.

George Dean.

DORSETSHIRE.

T. Strangeways, jun.—Died: a new writ ordered, Jan. 18, 1727.

George Pitt, jun. George Chaffin.

Poole.

George Trenchard, Thomas Ridge.

Dorchester.

Joseph Damer,

Ed. Morton Pleydell,—Not duly elected.

William Chapple.

Lyme-Regis.

Henry Holt Henley, John Burridge.

Weymouth, and Melcombe-Regis.

Sir James Thornhill,—His majesty's serjeant-painter.

William Betts,

John Ward,—Expelled the house for forgery; a new writ ordered, May 23, 1726.

Thomas Pearse,—Made a commissioner of the navy; a new writ ordered, Jan. 17, 1727.

John Willes,—Second justice of Chester.

Edward Tucker.

Bridport.

Sir Dewy Bulkeley, Peter Walter.

Shaftesbury.

Edward Nicholas,—Died; a new writ ordered, April 27, 1726.

Stephen Fox, Sir Edw. Desbouverie.

Wareham.

Sir Edward Ernle, Joseph Gascoigne.

Corfe-Castle.

Dennis Bond, John Banks.

DURHAM *County.*

Sir John Eden, John Hedworth.

Durham.

Charles Talbot,—Son to the bishop of Durham, made solicitor general; and a new writ being ordered, April 23, 1726, he was re-elected.

Thomas Conyers.

ESSEX.

William Harvey, Robert Honywood.

Colchester.

Sir Thomas Webster,

Matthew Martin,—East India director.

Malden.

Sir John Comyns.—Made a baron of the Exchequer; a new writ ordered, Jan. 17, 1727.

Thomas Bramston,

Henry Parsons,—Before in this parliament for Lestwithiel.

Harwich.

Humphry Parsons, Sir Philip Parker.

GLOUCESTERSHIRE.

Kinard Delabere, Henry Berkley.

Gloucester.

Charles Hyett,

John Snell,—Died; a new writ ordered Jan. 17, 1727.

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John How.

Cirencester.

Thomas Master, Benjamin Bathurst.

Tewksbury.

Thomas visc. Gage,

George Read,—Colonel of a regiment of foot, and brigadier-general of his majesty's forces.

HEREFORDSHIRE.

Sir E. Goodere, Velters Cornwall.

Hereford.

H. R. Westfaling,

William Mayo,—Died, a new writ ordered, March 21, 1723

James Walwyn.

Leominster.

Sir George Caswall, Sir Archer Croft.

Weobly.

Nicholas Philpott, John Birch.

HERTFORDSHIRE.

Sir T. Saund. Sebright, Ralph Freeman.

St. Albans.

William Clayton,——Auditor-general to the prince, afterwards lord Sundon.

William Gore.

Hertford.

Charles Cæsar,—Not duly elected.

Edward Harrison,—Late governor of Fort St. George, made joint post-master-general; a new writ ordered, Jan. 17, 1727.

Sir Thomas Clerke, George Harrison.

HUNTINGDONSHIRE.

John Bigg,

E. R. visc. Hinchinbroke,—Colonel of a regiment of foot, father of John, 4th earl of Sandwich; died, a new writ ordered, Oct. 18, 1722.

John Proby.

Huntingdon.

Roger Handaside, Edward Wortley.

KENT.

Sir Edw. Knatchbull, Sir Thomas Twisden.

Canterbury.

Samuel Milles, Sir Thomas Hales.

Rochester.

Sir Thomas Palmer,—Died; a new writ ordered, Jan. 6, 1724.

Sir John Jennings,

Sir Thomas Coleby,—A commissioner of the navy.

Maidstone.

Sir Tho. Culpeper,—Died; a new writ ordered, May 27, 1723.

Sir Barnham Rider, John Finch.

Queenborough.

John Cope,—Lieutenant-colonel of the first troop of grenadier-guards.

James Littleton,—Vice-admiral of the white, and late commissioner of the navy at Chatham; died, a new writ ordered, March 11, 1723.

George lord Forbes.

LANCASHIRE.

Sir John Bland, Richard Shuttleworth.

Preston.

Thomas Hesketh,

Daniel Pulteney,—A lord of the Admiralty, made clerk of the council in Ireland; and a new writ being ordered, May 7, 1726, he was re-elected.

Lancaster.

Sir Thomas Lowther,

William Heysham,—One of the clerks in Chancery; died, a new writ ordered, April 21, 1727.

Christopher Tower,—Deputy-collector inwards at the port of London.

Newton.

Sir Francis Leicester, William Shippen.

Wigan.

Sir Roger Bradshaigh, James e. of Barrymore.

Clitheroe.

Nathaniel Curzon, Thomas Lister.

Liverpool.

Sir Thomas Johnson,—Made collector of the Customs in Raxahamock river, in Virginia; a new writ ordered, Jan. 23, 1723.

William Cleveland,—Died; a new writ ordered, March 31, 1724.

Langham Booth,—Groom of the bedchamber to the prince, died, a new writ ordered, Nov. 12, 1724.

Thomas Bootle, Thomas Brereton.

LEICESTERSHIRE.

Lord William Manners,—Lord of the bedchamber to the prince of Wales.

Edmund Morris.

Leicester.

Sir George Beaumont,

Sir Lawrence Carter,—Serjeant at law, and solicitor-general to the prince of Wales, made a baron of the Exchequer; a new writ ordered, Jan. 19, 1727.

T. Boothby Skrymsher.

LINCOLNSHIRE.

Henry Heron,

Sir William Massinberd,—Died, a new writ ordered, Jan. 13, 1724.

Robert Vyner.

Lincoln.

Sir John Monson, Sir John Tyrwhit.

Boston.

Henry Pacey, Richard Ellys.

Great Grimsby.

Charles Pelham, Benjamin Collier.

Stamford.

Brownlow Cecil,—Succeeded to the title of earl of Exeter, on the death of his brother, a new writ ordered, Oct. 15, 1722.

William Noel, Charles Bertie.

Grantham.

John visc. Tyrconnel, Francis Fisher.

MIDDLESEX.

James Bertie, Sir John Austen.

Westminster.

Arch. Hutcheson, and John Cotton,—Election declared void, a new writ ordered, Nov. 6, 1722.

George lord Carpenter,—Governor of Minorca and Port-Mahon, colonel of a regiment of dragoons, and general of all the king's forces in Scotland.

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Charles Montagu.

London.

Francis Child, Richard Lockwood,
John Barnard,

Peter Godfrey,—Died, a new writ ordered, Nov. 16, 1724.

Sir Richard Hopkins.

MONMOUTHSHIRE.

Sir Wm. Morgan,—Lord lieutenant of this county and of Brecon.

John Hanbury.

Monmouth.

Edward Kemeys.

NORFOLK.

Thomas de Grey, Sir Thomas Coke.

Norwich.

Waller Bacon, Robert Britiffe.

Lynn-Regis.

Sir Charles Turner,

Sir Robert Walpole,—Made one of his majesty's principal secretaries of state; and a new writ being ordered, May 27, 1723, he was re-elected.

Great Yarmouth.

Charles Townshend,—Called up to the House of Peers as lord Lynn; a new writ ordered, May 27, 1723.

Horatio Walpole,—Auditor of the plantation accompts, joint secretary to the Treasury, and ambassador extraordinary to the court of France.

William Townshend.

Thetford.

Sir Edmund Bacon,—Of Gillingham.

Robert Jacombe.

Castle-rising.

William Fielding,—Died; a new writ ordered, Jan. 19, 1724.

Charles Churchill,—Brigadier-general of his majesty's forces, colonel of a regiment of dragoons, and governor of Plymouth.

Algernon e. of Montrath.

NORTHAMPTONSHIRE.

Sir Justinian Isham, Thomas Cartwright.

City of Peterborough.

John earl Fitzwilliam, Sidney Wortley.

Town of Huntingdon.

William Wilmer, Edward Montagu.

Brackley.

Sir Paul Methuen, William Egerton.

Higham Ferrers.

Thomas Wentworth,—Died, a new writ ordered, Jan. 9, 1724.

John Finch,—Solicitor-general to the prince, made one of his majesty's counsel at law; and a new writ being ordered, Feb. 2, 1727, he was re-elected.

NORTHUMBERLAND.

Algernon earl of Hertford,—Called up to the House of Peers as lord Percy, upon the death of his mother; a new writ ordered, Jan. 25, 1723.

Sir William Middleton,

William Wrightson,—Not duly elected.

Ralph Jenison.

Newcastle upon Tyne.

Sir William Blacket, William Carr.

Morpeth.

Henry visc. Morpeth,

George Carpenter,—Lieutenant-colonel.

Berwick upon Tweed.

Grey Neville,——Died; a new writ ordered, April 29, 1723.

Harry Grey,

William Kerr,——Colonel of dragoons, and groom of the bedchamber to the prince.

NOTTINGHAMSHIRE.

Scroop visc. Howe, Sir Robert Sutton.

Nottingham.

George Gregory, John Plumptre.

East Retford.

Thomas White, Patrick Chaworth.

Newark upon Trent.

James Pelham,——Secretary to the duke of Grafton, as lord chamberlain.

Richard Sutton,—Envoy extraordinary to the king of Prussia, and the landgrave of Hesse Cassel, made one of the clerks comptrollers of his majesty's household; and a new writ being ordered, April 10, 1724, he was re-elected.

OXON.

Sir R. B. Jenkinson, Henry Perrot.

University of Oxford.

George Clark,

William Bromley,—Died; a new writ ordered, Feb. 18, 1732.

Oxford.

Sir John Walter,—Died: a new writ ordered, Oct. 15, 1722.

Thomas Rowney, jun. Francis Knollys.

Woodstock.

Samuel Trotman, Sir Thomas Wheate.

Banbury.

Monoux Cope.

RUTLANDSHIRE.

Daniel lord Finch,—Made comptroller of his majesty's household; and a new writ being ordered, May 25, 1725, he was re-elected.

Sir Thomas Mackworth.

SALOP.

John Kynaston, Robert Lloyd.

Shrewsbury.

Richard Lister, and Corbet Kynaston,—Both not duly elected.

Orlando Bridgman, Sir Richard Corbet.

Bridgnorth.

William Whitmore,—Died, a new writ ordered, May 31, 1725.

Sir John Charlton, John Weaver.

Ludlow.

Abel Kettleby,—Recorder of this borough.

Acton Baldwin,—Died; a new writ ordered, Feb. 2, 1727.

Richard Herbert.

Great Wenlock.

Samuel Edwards,—Deputy teller of the Exchequer.

Sir Humphry Brigges.

Bishop's Castle.

W. Peere Williams,

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Rowater Vernon,—Not duly elected.
Charles Mason.

SOMERSETSHIRE.

Sir Wm. Wyndham, Edward Phelipps.

Bristol.

Sir Abraham Elton, Joseph Earle.

Bath.

John Codrington,
George Wade,—Colonel of a regiment of horse, and commander in chief of the land forces in Scotland.

Wells.

Francis Gwyn, Thomas Edwards, jun.

Taunton.

John Trenchard,—Died, a new writ ordered, Jan. 9, 1724.
Abraham Elton, James Smyth.

Bridgwater.

G. B. Doddington,—Made a lord of the Treasury, and clerk of the Pells in Ireland; and a new writ being ordered, April 2, 1724, he was re-elected.
Thomas Palmer.

Minehead.

Robert Mansell,—Died, a new writ ordered, May 13, 1723.
Thomas Hales,—Clerk of the green cloth to the prince.
Francis Whitworth.

Ilchester.

Daniel Moore,
William Burroughs,—Made auditor of the accompts on leather duties; a new writ ordered, Dec. 5, 1722.
Thomas Pagett,—One of the grooms of the bedchamber to the prince.

Milburn Port.

George Speke, Michael Harvey.

SOUTHAMPTON.

Lord Harry Powlett,
Lord Nassau Powlett,—Made auditor of the Exchequer in Ireland, and a new writ being ordered, Jan. 9, 1724, he was re-elected.

Winchester.

Lord William Powlett, George Bridges.

Southampton.

Thomas Missing,—Proveditor-general for Gibraltar and Port-Mahon.
Thomas Lewis.

Portsmouth.

Sir John Norris,—A lord of the Admiralty, and deputy governor of Dover castle, and admiral of the blue.
Sir Charles Wager.

Yarmouth.

Thomas Stanwix,—Died; a new writ ordered, March 24, 1725.
Maurice Morgan, Anthony Morgan.

Petersfield.

Norton Powlett,
Edmund Miller,—Made one of the barons of the Exchequer in Scotland, a new writ ordered, Jan. 17, 1727.
Joseph Taylor,—Not duly elected.
Edmund Miller,—Duly elected.

Newport.

Charles earl of March,—Made his election for Chichester.
Charles lord Whitworth,—His majesty's ambassador and plenipotentiary at the congress of Cambray; died, a new writ ordered, Jan. 21, 1726.
Charles Cadogan,—Colonel of a regiment of foot, succeeded his brother the earl of Cadogan, as baron Cadogan of Oakley; a new writ ordered, Jan. 21, 1727.
George Huxley,—Before in this parliament for Bedford.
Sir William Willis.

Stockbridge.

Martin Bladen,
John Chetwynd,—A commissioner of trade and plantations.

Newtown.

Charles Worsley, William Stephens.

Christ-Church.

Sir Peter Mew,—Died, a new writ ordered, March 29, 1726.
Francis Gwyn,—Made his election for Wells; a new writ ordered, Feb. 12, 1724.
Jacob Banks, Edm. Prideaux Gwyn.

Lymington.

Paul Burrard,
Lord Harry Powlett,—Made his election for the county.
Sir Gilbert Heathcote.

Whitechurch.

Thomas Vernon,—Died, a new writ ordered, Jan. 20, 1727.
John Conduit,—Made master-worker of his majesty's Mint, and a new writ being ordered, March 30, 1727, he was re-elected.
Thomas Farrington.

Andover.

James Brudenel, William Guidott.

STAFFORDSHIRE.

Thomas lord Paget,—Lord of the bedchamber to the prince of Wales.
Will. Levison Gower.

Litchfield.

Walter Chetwynd,
Richard Plummer,—A commissioner of trade and plantations.

Stafford.

Thomas Foley,
John Dolphin,—Died, a new writ ordered, Nov. 12, 1724.
Francis Elde,—Master in chancery, expelled the House.
Walter visc. Chetwynd.

Newcastle under Line.

Sir Bryan Broughton,—Died; a new writ ordered, Nov. 12, 1724.
Sir Walt. Wag. Bagot, Tho. Leveson Gower.

Tamworth.

Francis Willoughby,
Samuel Bracebridge,—Not duly elected.
Richard Swinfen,—One of the gentlemen of his majesty's privy chamber; died, a new writ ordered, Jan. 1727, to be issued out to the

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sheriffs of Warwickshire and Staffordshire, being in both counties.
George Compton.

SUFFOLK.

Sir Robert Davers,—Died; a new writ ordered, Oct. 15, 1722.
Sir William Barker, Sir Thomas Hanmer.

Ipswich.

Sir William Thompson,—Recorder of London, made cursitor-baron of the Exchequer, and a new writ being ordered, May 24, 1726, he was re-elected.
Francis Negus.

Dunwich.

Sir George Downing,
Edward Vernon,—Made his election for Penryn.
Sir John Ward,—Died, a new writ ordered, March 28, 1726.
John Sambroke.

Orford.

Dudley North, William Acton.

Aldborough.

Walter Plumer, Samuel Lowe.

Sudbury.

William Wyndham,—A colonel in the army, made lieutenant-governor of Chelsea hospital, and a new writ being ordered, April 27, 1726, he was re-elected.
John Knight,——Secretary of the Leeward Islands.

Eye.

Sir Spencer Compton,—Made his election for the county of Sussex.
Edward Hopkins,—Made master of the revels in Ireland; and a new writ being ordered, Oct. 25, 1722, he was re-elected.
James Cornwallis,—Commander of the Griffin fire ship.

St. Edmundsbury.

Sir Jermyn Davers,
James Reynolds,—Serjeant at law, and recorder of this borough, made one of the justices of the King's-bench; a new writ ordered, March 17, 1725.
John lord Hervey.

SURRY.

Sir Nicholas Carew,—Died, a new writ ordered, March 27, 1727.
Thomas Scawen, John Walter.

Southwark.

Edmund Halsey,
George Meggot,—Died, a new writ ordered, Jan. 9, 1724.
John Lade.

Blechingly.

George Evelyn,—Died, a new writ ordered, Nov. 12, 1724.
Hen. Arth. Herbert, William Clayton.

Ryegate.

Sir Joseph Jekyll,—Master of the Rolls, made first lord commissioner for the custody of the great seal; and a new writ being ordered, Jan. 13, 1725, he was re-elected.
James Cocks.

Guilford.

Arthur Onslow, Thomas Broderick.

Gatton.

William Newland, Paul Docminique.

Haslemere.

James Oglethorpe, Peter Burrel.

SUSSEX.

Sir Spencer Compton,
Henry Pelham,—A lord of the Treasury, made secretary at war, and a new writ being ordered, April 1, 1724, he was re-elected.

Chichester.

Sir Thomas Miller,
Charles earl of March,—Succeeded his father as duke of Richmond; a new writ ordered, Jan. 9, 1724.
Lord William Beauclerk,—Vice-chamberlain to her majesty.

Horsham.

Charles Eversfield,
Henry Ingram,—Made commissary of the provisions and stores at Gibraltar; and a new writ being ordered, May 10, 1727, he was re-elected.

Midhurst.

Alan visc. Middleton, Bulst. Peach. Knight.

Lewes.

Thomas Pelham,
Henry Pelham,—First cousin to the duke of Newcastle; died, a new writ ordered, Jan. 20, 1726.
Sir Nicholas Pelham,—Great uncle to the duke.

New-Shoreham.

Sir Nath. Gould,—Governor of the Russia company.
Francis Chamberlayne.

Bramber.

Sir Richard Gough,
Will. Cha. Van Huls,—Clerk-comptroller of the king's robes; died, a new writ ordered, Feb. 8, 1723.
David Polhill.

Steyning.

John Pepper,—Died; a new writ ordered, Jan. 20, 1726.
John Gumley,—Made commissary-general of the musters, and a new writ being ordered, Nov. 13, 1724, he was re-elected.
John marq. of Carnarvon,—Died; a new writ ordered, April 17, 1727.
William Stanhope.

East-Grinstead.

John Conyers,—Died, a new writ ordered, March 22, 1725.
Sir Spencer Compton,—Made his election for the county.
Edward Conyers,
Richard visc. Shannon,—Lieutenant-general of his majesty's forces, and colonel of horse.

Arundel.

Sir T. L. Saunderson, J. visc. Micklethwait.

WARWICKSHIRE.

William Peytoe,
Robert Digby,—Died; a new writ ordered, May 2, 1726.
Edward Digby.

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Coventry.
Sir Adolph. Oughton,—Lieutenant-colonel of the second regiment of Foot Guards, created a baronet in 1718.
John Neale.

Warwick.
William Colemore, jun.—Died, a new writ ordered, Nov. 9, 1722.
Sir Will. Keyte, Dodington Greville.

WESTMORELAND.
Anthony Lowther,—Made one of the commissioners of the revenue in Ireland, and a new writ being ordered, May 23, 1726, he was re-elected.
James Grahme,—Brother to the viscount Preston in Scotland.

Appleby.
Sir Richard Sandford,—Died, a new writ ordered, April 10, 1723.
James Lowther, Sackville Tufton.

WILTSHIRE.
Sir Richard Howe,
Robert Hyde,—Died, a new writ ordered, Oct. 15, 1722.
Richard Goddard.

New Sarum.
Anthony Duncombe, Francis Kenton.

Wilton.
Robert Herbert,—Made one of the grooms of his majesty's bedchamber; and a new writ being ordered, May 27, 1723, he was re-elected.
Thomas earl of Londonderry,—Governor of the Leeward Islands, colonel of a regiment of foot.

Downton.
John Verney,—Made one of the Welsh judges; and a new writ being ordered, Jan. 18, 1727, he was re-elected.
Gyles Eyre.

Hindon.
Henry Lud. Coker, Robert Gray.

Heytesbury.
Edward Ashe,
Pierce A'court,—Died, a new writ ordered, April 2, 1725.
Lord Charles Cavendish.

Westbury.
James Bertie,—Made his election for Middlesex.
George lord Carbery. Francis Annesley.

Calne.
Ben. Haskins Styles,—Made his election for Devizes; a new writ ordered, Feb. 1, 1723, upon the petition against him being withdrawn.
George Ducket,—Made a commissioner of the Excise; a new writ ordered, Feb. 19, 1723.
Edmund Pyke Heath, Matth. Ducie Morton.

Devizes.
Sir Joseph Eyles, Benj. Haskin Styles.

Chippenham.
Edward Rolt,—Died, a new writ ordered, Jan. 14, 1723.
Thomas Boucher, Sir John Eyles.

Malmesbury.
Sir J. Rushout, and Trevor visc. Hillsborough,—Both not duly elected.
Giles Earle,
John Fermor,—Died, a new writ ordered, Jan. 16, 1723.
Charles Stuart.

Cricklade.
Thomas Gore,
Sir Thomas Read,—Gentleman of the privy chamber, and one of the clerks of the green cloth to the prince.

Bedwin.
Robert Bruce, Charles Longueville.

Ludgershall.
J. Richmond Webb,—Died; a new writ ordered, Dec. 2, 1724.
Anthony Cornish, Borlace Richm. Webb.

Old Sarum.
Thomas Pitt,—Died; a new writ ordered, May 19, 1726.
Robert Pitt,—Made his election for Oakhampton.
George Pitt,
George Moreton Pitt,—Made register of the revenue of Excise; a new writ ordered, Jan. 13, 1724.
John Pitt.

Wotton Basset.
Robert Murray,—Colonel of a regiment of foot.
William Chetwynd.

Marlborough.
Algernon e. of Hertford,—Made his election for the county of Northumberland.
Thomas Gibson, Gabriel Roberts.

WORCESTERSHIRE.
Sir John Packington,
Sir Thomas Lyttelton.—Made a lord of the Admiralty; and a new writ being ordered, May 12, 1727, he was re-elected.

Worcester.
Thomas Wylde, Samuel Sandys.

Droitwich.
Richard Foley,
Edward Jefferyes,—Died; a new writ ordered, Jan. 20, 1726.
Thomas Winnington.

Evesham.
John Rudge, Sir John Rushout.

Bewdley.
William Crew Offley,—One of the gentlemen of the privy-chamber.

YORKSHIRE.
Sir Arthur Kaye,—Died; a new writ ordered, Jan. 17, 1727.
Cholmond. Turner, Henry visc. Down.

York.
Sir William Milner,
Edward Thompson,—Made one of the commissioners of the revenue in Ireland; and a new writ being ordered, May 31, 1725, he was re-elected.

Kingston upon Hull.
Sir Wm. St. Quintin,—Died, a new writ ordered, Jan. 9, 1724.

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George Crowle, Nathaniel Rogers.
Knaresborough.
Sir Henry Slingsby,
Richard Arundel,—Made surveyor-general of his majesty's works; and a new writ being ordered, April 20, 1726, he was re-elected.
Scarborough.
John Hungerford,
Sir Wm. Strickland,—A commissioner of the revenue in Ireland, made a lord of the Treasury; and a new writ being ordered, March 31, 1725, he was re-elected.
Rippon.
John Scrope,—One of the barons of the Exchequer in Scotland, and joint secretary of the Treasury.
William Aislabie,—Son to John, sen.
Richmond.
John York,
Sir Con. D'Arcy,—Master of his majesty's household.
Heydon.
Daniel Pulteney,—Made his election for Preston.
William Pulteney,
Henry Pulteney,—First major of the second regiment of foot guards.
Boroughbridge.
James Tyrrel,
Sir Conyers D'Arcy,—Made his election for Richmond.
Joseph Danvers.
Malton.
Sir T. Wentworth,
Sir William Strickland,—Died; a new writ ordered, Nov. 16, 1724.
Henry Finch.
Thirsk.
Tho. Frankland,—Made a commissioner of the revenue in Ireland; and a new writ being ordered, April 24, 1724, he was re-elected.
Sir W. St. Quintin.
Aldborough.
Charles Stanhope,—Treasurer of his majesty's chamber.
William Jessop.
Beverly.
Sir Charles Hotham,—Colonel of the royal regiment of dragoons; died, a new writ ordered, Jan. 18, 1723.
Sir Charles Hotham, Sir Mich. Newton.
Northallerton.
Henry Peirse, Leonard Smelt.
Pontefract.
Sir Will. Lowther, John Lowther.

CINQUE PORTS.

Hastings.
Arch. Hutchinson,—See Westminster.
Sir Will. Ashburnham,—One of the commissioners of the Alienation.
Dover.
Henry Furnese,
George Berkeley,—Made master of St. Catharine's hospital; and a new writ being ordered, May 27, 1723, he was re-elected.
Sandwich.
Josiah Burchet,—Secretary to the Admiralty.
Sir George Oxenden,—Made a lord of the Admiralty; and a new writ being ordered, May 31, 1725, he was re-elected.
Hythe.
Hercules Baker,—Captain in the navy.
Sir Samuel Lennard.
New-Romney.
Sir Robert Furnese, David Papillon.
Rye.
Henry lord Aylmer,
Phillips Gybbon,—Chairman of the committee of privileges and elections, made surveyor general of his majesty's land revenue; and a new writ being ordered, May 16, 1726, he was re-elected.
Winchelsea.
G. Bubb Dodington,—Made his election for Bridgewater.
Robert Bristow, Thomas Townshend.
Seaford.
Sir W. Gage,
Sir Philip Yorke,—His majesty's solicitor general, made attorney general; and a new writ being ordered, Jan. 31, 1724, he was re-elected.

WALES.

ANGLESEA.
Richard visc. Bulkeley,—Died, a new writ ordered, March 17, 1725.
Hugh Williams.
Beaumaris.
Henry Bertie.

BRECON.
W. Gwyn Vaughan.
Brecon Town.
William Morgan,—Made his election for the county of Monmouth; and a new writ ordered, May 17, 1723, upon the petition against him being withdrawn.
Thomas Morgan.

CARDIGAN.
Francis Cornwallis.
Cardigan Town.
Stephen Parry,—Died; a new writ ordered, Feb. 18, 1725.
Thomas Powel.

CAERMARTHEN.
Edward Rice,—Not duly elected.
Sir Nich. Williams.
Caermarthen Town.
Richard Vaughan,—Died: a new writ ordered, Dec. 5, 1724.
James Philipps.

CARNARVON.
John Griffith.
Carnarvon Town.
Thomas Wynne,—Clerk of the green cloth to the Prince.

DENBIGH.
Wat. Will. Wynn.

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Denbigh Town.
Robert Myddelton.

FLINT.
Sir Roger Mostyn.
Flint Town.
Thomas Eyton.

GLAMORGAN.
Sir Charles Kemeys.
Cardiffe Town.
Edward Stradling,—Died; a new writ ordered, Jan. 18, 1727.
Bussy Mansell.

MERIONETH.
Richard Vaughan.

MONTGOMERY.
Price Devereux.
Montgomery Town.
John Pughe.

PEMBROKE.
Sir Arthur Owen.
Pembroke Town.
Thomas Ferrers,—Died: a new writ ordered, Nov. 13, 1722.
William Owen.
Haverford West.
Francis Edwards,—Died; a new writ ordered, Jan. 20, 1726.
Erasmus Philipps.

RADNOR.
Sir Hum. Howarth.
New Radnor Town.
Thomas Lewis.

SCOTLAND.

Aberdeen.
Archibald Grant.
Air.
John Montgomery.
Argyle.
Sir James Campbell.
Banff.
Alex. Abercrombie.
Berwick.
George Baillie.
Bute and Caithness.
Peter Campbell.
Clackmannan and Kinross.
Sir John Schaw.
Cromartie and Nairn.
John Forbes.
Dumfries.
Charles Areskine,—Made solicitor general of Scotland; and a new writ being ordered, May 31, 1725, he was re-elected.
Dunbarton.
Mungo Haldane,—Not duly elected.
John Campbell.
Edinburgh.
Robert Dundass,—Late lord advocate for Scotland.
Elgin.
Alexander Brodie,—Made lord Lyon, king at arms; and a new writ being ordered, May 15, 1727, he was re-elected.
Fife.
Sir John Anstruther.
Forfar.
James Scott, jun.
Haddington.
John Cockburn.
Inverness.
James Grant.
Kincardine.
James Scott, sen.—Lieutenant colonel of the third regiment of foot guards.
Kircudbright.
Alexander Murray.
Lanerk.
Lord Archibald Hamilton.
Linlithgow.
George Dundas.
Orkney and Shetland.
Colonel George Douglas.
Peebles.
John Douglas.
Perth.
Lord James Murray,—Succeeded to the title of Duke of Athole; a new writ ordered, Nov. 27, 1724.
David Grahame,—Died; a writ ordered, March 29, 1726.
Mungo Haldane,—See Dunbarton.
Renfrew.
Major Thomas Cochrane.
Ross.
Alexander Urquhart.
Roxburgh.
Sir G. Elliot of Minto,—Made one of the ordinary lords of session in Scotland; a new writ ordered, May 24, 1726.
Sir G. Elliot of Stobbs.
Selkirk.
John Pringle, sen.
Stirling.
John Graham, jun.
Sutherland.
Sir William Gordon.
Wigtoun.
John Stuart.
Edinburgh City.
John Campbell.

BOROUGHS OF
Kirkwall, &c.
Robert Monro.
Fortrose, &c.
Alexander Gordon,—Not duly returned, but had leave to petition.
Duncan Forbes.
Elgin, &c.
William Fraser,—Not duly elected.
John Campbell.
Aberdeen, &c.
William Kerr,—Not duly returned, but had leave to petition.
John Middleton.
Forfar, &c.
Charles Leslie, and William Erskine,—Double return; the former not duly returned, but

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had leave to petition, which he did, and renewed it in Sess. 2, 3.

Crail, &c.

David Scott, and Philip Anstruther,—Double return; the former not duly returned, but Mr. Scott petitioned, complaining of an undue election, and Mr. Anstruther was voted duly elected.

Dysart, &c.

Thomas Leslie,—Not duly returned, but had leave to petition.

James Sinclair,—Major in the third regiment of foot guards.

Inverkithen, &c.

H. Cuningham, jun.

Glasgow, &c.

Daniel Campbell.

Selkirk, &c.

Daniel Weir,—Died; a new writ ordered, March 17, 1725.

John Murray.

Haddington, &c.

Sir James Dalrymple,—Auditor general in Scotland.

Dumfries, &c.

William Douglas.

Wigtoun, &c.

Will. Dalrymple,—Colonel in the foot guards.

Air, &c.

William Stuart,—Remembrancer of the Exchequer, in Scotland.

LIST OF THE SIXTEEN PEERS OF SCOTLAND.

Duke of	Montrose
	Roxburgh
Marquis of	Tweedale
Earl of	Sutherland
	Rothes, (died in 1722.) In his stead
	Finlater and Seafield.
	Buchan
	Haddington
	Loudoun
	Selkirk
	Aberdeen
	Orkney
	Stair
	Bute
	Hopetoun
	Deloraine
	Isla.

Spencer Compton, esq. chosen Speaker.] The Commons being returned to their House,

Lord *Stanhope*, son and heir apparent of the earl of Chesterfield, one of the gentlemen of the bedchamber to the prince of Wales, said; That the House having attended his Majesty, and having received his Majesty's commands, by the Lord Chancellor, to return to their House, and choose a Speaker; he thought, that, considering the present circumstances of the times, and the many important affairs that seemed urgent to come before this House, the House ought in this first step, to give his Majesty, and the whole nation, convincing proofs of their firm adherence to our present happy establishment, by choosing for their Speaker a person of unshaken fidelity to his Majesty and his government, and of undoubted zeal for the Protestant succession, on which all our happiness depends:—That, considering of how little weight his recommendation could be, and how ill it became him to advise or recommend, he should not presume to propose any body to so high a trust, but a person of known honour and integrity; and of whose abilities, and impartiality in the Chair, the last House of Commons had had the greatest experience; which, he believed, would be a much stronger inducement to all gentlemen, than any thing he could mention: that, after this short character of the person, it would be easy to guess his proposition; and that the very naming Spencer Compton, esq. would suggest to gentlemen many more and better reasons than he could add: And therefore moved, "That Spencer Compton, esq. might take the Chair of the House." Then

Charles Talbott, esq. eldest son of the bishop of Durham, said:—That, at the opening of this parliament, he saw every corner of the House so crouded, that it was to him an earnest of a greater public spirit, or greater love of liberty, in this House of Commons, than had appeared in any of their predecessors: that he hoped every gentleman came here, resolved to support the liberty of the subject, the just rights of the crown, and our present happy establishment in church and state:—That if this were their sense, and if gentlemen were inclined to give assurances of it to their country, it was impossible to give a more convincing proof, than by placing again in the Chair the honourable person that had been named, who had been always distinguished for his love of liberty, and unalterable adherence to our present establishment:—That if there be yet any enemies to our peace, who have entertained imaginary hopes, that the people of this kingdom have the least inclination to exchange a Protestant for a Popish government, let us shew by the known character of the person who we place at our head, what they are to expect from this House of Commons:—That it was always of the greatest importance, and absolutely necessary to the regularity of the proceedings of the House, to have in the chair a person remarkable for his knowledge in the laws of parliament; and therefore he should second the motion to put the honourable person again into his former station: a station which is indeed attended with infinite labour and difficulty; and is the greatest public trust that can be reposed in any man: But, That the honourable person named had, in the course of seven years, gone through such a vast variety of business, as shewed there was not any labour impossible for him to conquer, though of the greatest difficulty; and that no trust had ever been reposed in him, which he did not discharge with the greatest equality, fidelity, and honour, to the intire satisfaction of every gentleman in the House: and when we have this honourable per-

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son among us, can we be in the least doubt one moment to call him again to the same Chair; and desire him once more to sacrifice his own ease and quiet, to the service of this House, and his country? And, That he hoped every gentleman would concur in the motion, That the hon. Spencer Compton, esq. may take the Chair.

Then the House calling Mr. Compton to the Chair;

Mr. *Compton* stood up in his place, and said; "That he was very much obliged to the noble lord, and honourable gentleman, for the great honour they had done him, in proposing him again for the chair; and that if he had the least share of those abilities they had complimented him with, he should know his duty better, than to decline the service of his country, though attended with the greatest difficulties: but he was so conscious of his own want of abilities to discharge the duty of the chair; and so many gentlemen were witnesses of it in the last parliament; and his own experience had taught him to be most sensible of it himself; he did therefore really wish the noble lord, and honourable person, would withdraw their motion; or that some other gentleman would propose a fitter person, which nobody could desire with more sincerity than he did."

But the House again calling Mr. Compton to the chair; he was taken out of his place by the lord Stanhope and Mr. Talbot; who led him from the bar of the House up to the Chair: where, upon the first step, he said;

"That, notwithstanding gentlemen had permitted him to come thus far, which he could impute to nothing but the good opinion they entertained of the noble lord and honourable gentleman, who had done him the honour to propose him; he hoped, even they themselves would be satisfied with the House's having thus far complied with their propositions; and that he might now have leave to return to his place:"

But the Members crying, No, no;

Mr. *Compton* went up into the Chair: but, before he sat down, he said, That since gentlemen were determined to replace him in the Chair, he must return them his thanks for the great honour they had done him; but he hoped, at the same time, they would give him leave to lay his inability before his Majesty, that his Majesty's service, and the service of his country, might not suffer by his insufficiency; but that they might have an opportunity of making a better choice:

But the Members cried, No, no: And thereupon Mr. Compton sat down in the Chair; and the mace, which before lay under the table, was laid upon the table.

Then Mr. Comptroller said, he congratulated the House on their having so unanimously concurred in the choice of the same person to be their Speaker, who had, in the last parliament, discharged the duty of that important post with honour, integrity, ability, and impartiality: that he did not doubt but their choice would be very agreeable to his Majesty, and the whole kingdom: and his Majesty having, at the same time he commanded the House to choose a Speaker, appointed them to present him to his Majesty, at the bar of the House of Lords, on Thursday next, he moved, That the House do adjourn; which was done accordingly.

The Speaker's Speech to the King on being presented and approved of.] Oct. 11. The King came to the House of Lords with the usual solemnity; and the House of Commons attending,

The *Speaker* elect addressed his Majesty as follows:

"May it please your Majesty,

"The knights, citizens, and burgesses, in parliament assembled, having in obedience to your Majesty's commands, proceeded to the choice of a Speaker, do now humbly attend to present me to your Majesty, as the person they have called to that service: but as I am conscious of my own weakness, and as my want of ability cannot be unknown to your Majesty, I most earnestly beseech your Majesty to accept my excuse, and to command your Commons to present to your Majesty some other person more worthy of your royal approbation."

Then the *Lord Chancellor*, taking directions from his Majesty, said;

"Mr. Compton,

"You have so long, and so very well, discharged the important trust of Speaker of the House of Commons; and his Majesty has had so full experience of your zeal for his service, and for the interests of your country, which are really inseparable; that he is pleased to command me to tell you, that he is perfectly well satisfied with the choice which his Commons have made of you now to be their Speaker; and therefore does not admit of your excuse; but allows of, and confirms, you to be Speaker."

Then Mr. *Speaker* said;

"Since it is your Majesty's pleasure to approve the choice your Commons have made, it is my duty to submit; and to endeavour to supply my want of capacity, by a diligent application to the discharge of this trust, which I am commanded to undertake.—The experience I have had of your Majesty's great goodness, in pardoning my past errors, encourages me to hope, that any involuntary mistakes I may hereafter make, will receive a favourable construction: And I intirely rely on your Majesty's justice and goodness, that none of my failings or infirmities may be imputed to your faithful Commons; in whose name, I lay claim, by humble Petition to your Majesty, to all their antient and accustomed rights, privileges, and immunities; particularly, That, for their better attendance on the public service, their persons, estates, and servants, may be free from arrests, suits, and molestations: That they may have liberty and freedom of speech, for the better management of their debates: That they may have free access to your Majesty, at all convenient times, as occasion shall require: And that their proceedings may be free from misconstruction,

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and receive the most favourable interpretation."

Then the *Lord Chancellor*, receiving further directions from his Majesty, said;

"Mr. Speaker,

"I am commanded by his Majesty to say, that his Majesty, being fully assured of the prudence, loyalty, and good affections, of the House of Commons, does most willingly grant to them all their privileges, in as full a manner as they have at any time been granted or allowed by any of his Majesty's royal predecessors: And, as to what you have said in relation to yourself, his Majesty will be graciously pleased to put the best and most favourable constructions upon your words and actions, in the discharge of your duty, as Speaker of the House of Commons."

The King's Speech on Opening the Session.] Then his Majesty was pleased to say,

"My Lords and Gentlemen, I have ordered my Lord Chancellor to declare to you, in my name and words, the causes of calling this Parliament."

Then the Lord Chancellor said,

"My Lords and Gentlemen; I have received his Majesty's commands from the throne, to declare to you in his Majesty's name and words, the causes of his calling this parliament, as follows:

"My Lords, and Gentlemen,

"I am concerned to find myself obliged, at the opening of this parliament, to acquaint you, that a dangerous conspiracy has been for some time formed, and is still carrying on, against my person and government, in favour of a Popish Pretender.

"The discoveries I have made here, the informations I have received from my ministers abroad, and the intelligences I have had from the powers in alliance with me, and indeed from most parts of Europe, have given me most ample and concurrent proofs of this wicked design.

"The conspirators have, by their emissaries, made the strongest instances for assistance from foreign powers; but were disappointed in their expectations. However, confiding in their numbers, and not discouraged by their former ill success, they resolved once more, upon their own strength, to attempt the subversion of my government.

"To this end, they provided considerable sums of money, engaged great numbers of officers from abroad, secured large quantities of arms and ammunition, and thought themselves in such readiness, that had not the conspiracy been timely discovered, we should without doubt, before now, have seen the whole nation, and particularly the city of London, involved in blood and confusion.

"The care I have taken has, by the blessing of God, hitherto prevented the execution of their traiterous projects. The troops have been encamped all this summer; six regiments (though very necessary for the security of that kingdom) have been brought over from Ireland. The States General have given me assurances, that they would keep a considerable body of forces in a readiness to embark on the first notice of their being wanted here, which was all I desired of them; being determined not to put my people to any more expence than what was absolutely necessary for their peace and security.

"Some of the Conspirators have been taken up and secured; and endeavours are used for the apprehending others.

"My Lords, and Gentlemen,

"Having thus in general laid before you the state of the present Conspiracy, I must leave to your consideration what is proper, and necessary to be done, for the quiet and safety of the kingdom. I cannot but believe the hopes and expectations of our enemies are very ill grounded, in flattering themselves that the late discontents, occasioned by private losses and misfortunes, however industriously and maliciously fomented, are turned into disaffection, and a spirit of rebellion.

"Had I, since my accession to the throne, ever attempted any innovation in our established religion; had I, in any one instance, invaded the liberty or property of my subjects; I should less wonder at any endeavours to alienate the affections of my people, and draw them into measures that can end in nothing but their own destruction.

"But to hope to persuade a free people, in full enjoyment of all that is dear and valuable to them, to exchange freedom for slavery, the Protestant religion for Popery, and to sacrifice at once the price of so much blood and treasure as have been spent in defence of our present establishment, seems an infatuation not to be accounted for: but, however vain and unsuccessful these desperate projects may prove in the end, they have at present so far the desired effect, as to create uneasiness and diffidence in the minds of my people, which our enemies labour to improve to their own advantage. By forming Plots, they depreciate all property that is vested in the Public Funds; and then complain of the low state of Credit; they make an increase of the national expences necessary, and then clamour at the burthen of taxes; and endeavour to impute to my government as grievances, the mischiefs and calamities which they alone create and occasion.

"I wish for nothing more, than to see the Public Expences lessened, and the great National Debt put in a method of being gradually reduced and discharged, with a strict regard to parliamentary faith; and a more favourable opportunity could never have been hoped for than the state of profound peace, which we now enjoy with all our neighbours. But Public Credit will always languish, under daily alarms and apprehensions of public danger; and, as the enemies of our peace have been able to bring this immediate mischief upon us, nothing can prevent them from continuing to subject the nation to new and constant difficulties and

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distresses, but the wisdom, zeal and vigorous resolutions, of this parliament.

"Gentlemen of the House of Commons,

"I have ordered the Accompts to be made up, and laid before you, of the extraodinary charge that has been incurred this summer, for the defence and safety of the kingdom; and I have been particularly careful not to direct any expence to be made greater, or sooner, than was of absolute necessity.

"I have likewise ordered Estimates to be prepared, and laid before you, for the service of the year ensuing: and I hope the further provisions, which the treasonable practices of our enemies have made necessary for our common safety, may be ordered with such frugality, as very little to exceed the supplies of the last year.

"My Lords and Gentlemen,

"I need not tell you of what infinite concern it is to the peace and tranquillity of the kingdom, that this parliament should upon this occasion exert themselves with a more than ordinary zeal and vigour. An entire union among all that sincerely wish well to the present establishment is now become absolutely necessary. Our enemies have too long taken advantage from your differences and dissentions. Let it be known, that the spirit of Popery, which breathes nothing but confusion to the civil and religious rights of a Protestant Church and Kingdom, however abandoned some few may be in despite of all obligations divine and human, has not so far possessed my people, as to make them ripe for such a fatal change. Let the world see, that the general disposition of the nation is no invitation to Foreign Powers to invade us, nor encouragement to domestic enemies to kindle a civil war in the bowels of the kingdom. Your own interest and welfare call upon you to defend yourselves. I shall wholly rely upon the Divine Protection, the support of my Parliament, and the affections of my People, which I shall endeavour to preserve, by steadily adhereing to the Constitution in Church and State, and continuing to make the laws of the realm the rule and measure of all my actions."

Debate in the Lords on the Bill for the suspending the Habeas Corpus Act.] As soon as the King was withdrawn, and the Commons returned to their House, his grace the duke of Grafton, Lord Lieutenant of Ireland, took notice of the horrid Conspiracy lately formed and still carrying on, against his Majesty's sacred person and government; shewed the necessity of strengthening the hands of his Majesty's ministers, in order to a full detection and entire suppression of those traiterous designs and practices; and thereupon, with the leave of the House, presented a Bill for suspending the Habeas Corpus Act, and empowering his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government, for the space of one year. After the first reading of the said Bill, a motion was made for reading it a second time immediately, which was strenuously opposed, but after a long and warm debate, the question being put thereupon was carried by a majority of 67 voices against 24. The Bill being, accordingly read a second time, and committed, the House adjourned during pleasure, and being quickly after resumed, they went into a Committee upon the said Bill, his grace the duke of Wharton being in the chair. The Committee, after some speeches went through the Bill, and filled up the blank for the continuance of the suspension of the Habeas Corpus Act with the words, 'until the 24th day of October 1723.' The House being resumed, the duke of Wharton reported the said Bill, with the Amendment made thereto, which occasioned another very warm and obstinate debate.

The Earls of Anglesea, Cowper, Stafford, and Coningsby, the Lords Trevor, Bathurst, and Bingley, represented, That the Habeas Corpus Act being, on all hands, admitted to be the greatest and strongest bulwark of English liberty, it did not consist with the wisdom of parliament, to suspend it without an absolute necessity. That, indeed, in cases of actual rebellion, or intended invasion, that act had been, at times before, suspended; but yet this was done sparingly, by degrees, and never for above the term of six months. That this consideration put them under a very melancholy apprehension for the very being or effect of that excellent law; since the suspension of it for a year, might be as good a precedent for the suspending it, on another occasion, for the term of two years, as any former precedent was now for the present suspension. That the horrid Conspiracy, which occasioned this suspension, having been discovered five months before, and divers of the conspirators imprisoned for it a considerable time past, it was very unreasonable to suppose, that the danger of this plot, in the hands of an able, faithful, and diligent minister, would continue for a year or more yet to come, and that in so high a degree as to require a suspension of the liberty of the subject. That, indeed, their just apprehensions would in great measure be removed, if his Majesty, on whose known equity, goodness, and clemency they entirely depended, would remain amongst us during the whole time of this suspension; but that his Majesty not having visited his dominions abroad these two last years, would very probably leave the kingdom the next spring. That in his Majesty's absence this great power of imprisoning the subjects at will, and detaining them in prison until the 24th of October 1723, and for as much longer time as till they can after that, take the benefit of the Habeas Corpus Act, (if they could then do it at all) would be lodged in the hands of our fellow-subjects, who could not be supposed to be above all prejudices and partialities, as they were sure his Majesty was; and who, besides, might have private resentments to gratify.

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That this Bill did, in effect, vest the ministers with an authority almost as arbitrary and extensive as that of a Roman Dictator, since they might inflict even on innocent persons, who shall have the misfortune to displease them, a punishment of above a year's imprisonment, which comes little short of death, and which oftentimes occasions it. That the dictatorial power, among the Romans, was always laid down immediately after the occasion for which it was given was over; and it was remarkable, that it was never continued much longer, until a little before the Roman Commonwealth, from which all other states draw so many maxims of government, lost its liberties. That so long a suspension of the Habeas Corpus Act, weakens the provision made in the Bill for the Members of either House of Parliament, 'That they shall not be committed or 'detained, the parliament sitting, until the 'matter be first communicated, and the con-'sent obtained of the Houses respectively,' since it is very probable, the parliament will not be sitting the greatest part of the time, for which this bill was enacted, would continue a law: that such is the weakness of human nature, that the apprehension of what might befal a member of parliament while the parliament is not sitting might have some influence on the freedom of parliament: that once so long a suspension was liable to so many inconveniencies, they thought most advisable to reduce it to the term of six months; at the end of which, if there appeared a necessity for it, it might be continued six months longer, as was done before in this very reign, during the late rebellion.

These objections to the bill itself, or continuance of it for a year, were answered by the lords Townshend, Harcourt, Carteret, the dukes of Argyle, Wharton, and Newcastle, and some others. They represented, That the Habeas Corpus act had been suspended upon much less important occasions, upon bare intimations of a plot; whereas the king had now laid before the parliament the particulars of a conspiracy to introduce a Popish prince: that it was necessary the suspension should continue a whole year, since the conspirators (who probably would lie still all the winter) would exert themselves in the summer when the parliament was up; and might flatter themselves with the hopes of foreign assistance.*

*The substance of the arguments in support of the Bill was, a few days after, published in a London Journal, as follows:

"In the present uneasiness, which is very natural to Englishmen, upon every suspension of the Habeas Corpus act; and which is industriously and artfully heightened, upon occasion of the act just now passed to that purpose; it is not enough to tell them, in general, that it is an act absolutely necessary to secure them from ruin, and from the total loss of all other acts, and of this Habeas Corpus Act itself. But, it is necessary for us all, before we can or ought to be satisfied in so important a point, to enter carefully into the particular questions, which naturally arise upon this subject; and which must be sifted and debated, before any one, who loves his country and his liberty, can acquiesce.

"1. Whether it be fit, upon any occasion, 'to suspend the ordinary operation of the Ha-'beas Corpus Act? 2. Whether there be any 'reason sufficient to make it fit to do it now? '3. Whether if it ought now to be done, it 'ought to be done for so long a time as a 'year?' these take in every thing relating to the point in hand.

"The first of these questions has been resolved constantly without any hesitation in the affirmative by the wisdom of all parliaments, ever since the making that act. Their behaviour, and the laws made by them, have ever shewed that it was a determined case with them, that upon occasion of any conspiracy against the state, (the execution of which always depends upon the persons of the conspirators, and the liberty they enjoy to advise and to act,) it was absolutely necessary to grant to the executive power, for a time, a right to apprehend and detain the persons of such as should be suspected to have a part in it. Otherwise, they always argued, there must soon be an end of our establishment, and all our liberties; and that without this, the Habeas Corpus Act itself must be much worse than mere dirty parchment or waste paper: for it must be itself the very instrument and immediate occasion of that ruin, and loss of liberty, it was designed to prevent. Accordingly, seven times, since the revolution, has that act suffered suspension, as absolutely necessary to the preservation of the act itself, and all the privileges of it. Seven times have our predecessors, with one voice in parliament, decreed such a power to the crown, for the preventing total ruin. And this, with the highest reasons of state, allowed of and practised upon, by all states and kingdoms; and by none more, than where the greatest liberty has flourished, which has caused the greatest dread of losing it.

"But there need not examples. The reason of the thing is plain. For what indeed avails it to have a good constitution, if there be not in that constitution somewhere lodged a power of preserving itself by extraordinary methods, upon extraordinary occasions? What imports it, to have a roll of parchment, called an act of parliament for the liberty of the subject; if, at the call of imminent danger, which threatens the destruction of this act, and all acts, there be not a power lodged and exerted,

Protest against the Bill for suspending the Habeas Corpus Act.] Then the question being put to agree with the committee, it was resolved in the affirmative.

"Dissentient"

"1. Because the Act, commonly called the Habeas Corpus Act, is admitted on all hands

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to be the great bulwark of the liberty of the subject; and therefore, although in cases of actual rebellion and intended invasion, that Act has been at times before suspended, yet it was done sparingly and by degrees; and the utmost term for which it has been suspended, at any one time, has been the term of six months; which consideration puts us under a very melancholy apprehension for the very being or effect of that excellent law; since the present suspension of it, for the term of a year or more, will be as full as good an authority, in point of precedent, for the suspending it on another occasion for the term of two years, as any former precedent is now for the present suspension during one year and more.

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to confine the persons of some, that the persons of all may not suffer by that liberty, which such conspirators enjoy, merely by virtue of this act? To what purpose will it be afterwards to ask, why did not they who knew of these conspirators, and who were to guard against them, at least confine them where they could do no mischief? The answer must be, because they had no power by law to do it. The question then will be equally in vain, Why did they not ask and demand it of parliament? Why, because they had a veneration for the Habeas Corpus Act, the darling and defence of the people. The next voice will then be this, Why do you tell us of our darling and our defence? call it no longer by those names; it is our poison and ruin, if a regard to that has brought destruction upon us, and prevented the measures which alone could have saved us. We are now dead, for fear of death; and have lost this act, and all the effect of it, for ever, out of a superstitious dread of suffering traitors to lose the benefit of it for a season.

"The second of the foregoing questions is answered under the first. It only depends upon this, whether there be in fact, a design of introducing a Popish prince, at the hazard of all that is valuable to Britons and Protestants, now going on. Whoever doubts of this in his own soul, I am free to give him leave to be intirely and for ever dissatisfied with every thing done to prevent it; because I am confident no one can doubt it, who has eyes, or ears, or common understanding. Whoever does not doubt it, can no more doubt of the reasonableness of following the usual method chalked out to us by all preceding parliaments, and by all free governments in the world. After what the king has, with the utmost solemnity, laid before the parliament, it had been, in my poor opinion, much more sincere and becoming, to have addressed him in humble manner, and begged of him to return in peace to his own people abroad, than to have delayed one hour to give him that testimony of their confidence, and those assurances of their zeal, which every parliament since the revolution had upon much less declarations, given to his predecessors. In what a condition indeed, had his and our affairs appeared to all abroad, if they had seen the parliament of Britain itself cold and indifferent in such a cause, and denying their present king the powers necessary even for the preservation of his own life against violence, as well as of the whole constitution against ruin?

"But the third question creates the difficulty, 'Why for so long a time as a whole 'year?' Upon this, it is worth remembering, that there was no formal contest, as I am informed, in parliament, about the doing the thing itself. It was by most allowed, or supposed to be right and necessary: though at every proper place, arguments were thrown in, which plainly enough shewed, that there lay the grief, that it should be done at all. However, to gain a greater number, that was given up. Some would consent to it for three, some for four, and some for six months. But they could not possibly (such was their love to their country!) consent to it for twelve months. When I heard this, I presently thought with myself, What? Can these persons trust themselves, and us, and all their fellow subjects, in the hands of the ministers for six months? And is it so terrible a thing to do it for six months more? If they can be safe and secure in this for the first six months, and the condition of affairs requires it, surely they may be safe for the last six months? If such misery and calamity be in the matter; such horror and dread, that the government by the bow string is better, why is it consented to for six months; why for four months? Nay why for one? But if six months can be reasonably allowed, let us try whether another six months may not be as reasonable. No. It is too much; it is too long to trust such a power. I grant it; twelve months is too long a time. So is six months. So is four months. So is four days. But if twelve months be necessary; if the occasion requires and demands such a time; it is just as fitting, as twelve days or twelve hours. It is a pain and a grief to think of doing it at all. No Englishman can consent to it, but with reluctance. But to none can it be half so pungent, or half so uneasy, as to those who are to execute it, (if necessity calls them to it,) unless they are monsters, void of all concern and hardened into stone.

"Take, therefore, my notion of this affair in short. If this were the spring time of the year, there is no one, I believe, who would have asked, and no one who would have consented to give more than six months, because that space of time would take in all the summer, and reach down towards the meeting of the parliament again: and the summer being the time always of the greatest danger, that would be provided for; and the sessions would come on time enough to make farther provision if necessary. This is the case at present. There is a certainty of a more resolute design (with several persons of note actually embarked in it,) than perhaps has ever yet been known.

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"2. The detestable conspiracy which occasions the present suspension, having been discovered and signified to the city of London above five months since, and divers imprisoned for it a considerable time past, we cannot but conceive it to be highly unreasonable to suppose, that the danger of this plot, in the hands of a faithful and diligent ministry, will continue for a year and more yet to come, and that in so high a degree as to require a suspension of the liberty of the subject (for so we take it to be) during all that time.

"3. His Majesty, having not visited his dominions abroad these two last years, will very probably, leave the kingdom the next spring to that end; in which case, this great power of suspecting and imprisoning the subjects at will, and detaining them in prison till the 24th of October, 1723, and for as much longer time as till they can, after that, take the benefit of the Habeas Corpus Act (if they can then do it at all) will be lodged in the hands of some of our fellow subjects, who, we are not so sure, will be above all prejudices and partialities, as we are, that his Majesty will.

"4. This weakens the provision made in the Bill for the Lords, and Members of the other House of Parliament, 'That they shall not be

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There must be a provision at present, because the design is at present working, far from being at an end. Put the case now, that this new law were to take effect but for four or six months, and that at the end of that term the ministers were to represent the necessity of prolonging it, (as was proposed by some,) if any such necessity should then appear. Not to mention the difficulties, and cavils, objections and outcries, which would then be raised afresh; Are we such strangers to the cunning and dexterity of such Conspirators, as to doubt that all care would be taken to hush every thing into peace and quiet; that every mouth would be taught not to open too loud; much more every hand not to stir, during that four or six months; and that there might be such a discipline and management exercised, that, if it were fit to keep, or to call the parliament together, the ministers should not have it in their power to demonstrate clearly that there was any such mark of disturbance stirring, or any such treasons still visible, as would be sufficient to urge the continuance of this act. But as soon as that term expired, and the time for action came, what would they do, or what would they not do, when it would be safe for them to exert themselves again, and they could have the benefit of this Habeas Corpus act to elude any confinement?

"But, it is said, precedents are against you. This suspension never yet was made for so long a time. It may be so; though one was continued to nine months, pretty near this. But precedents are on the side of this material part of the provision, that the season in which the parliament was not sitting, was always the season taken care of. In this, precedents lead us. And the reason is, because the execution of such designs is generally in that season. No one ever pretended that a suspension for six or nine months was a precedent for a suspension for twelve months: nor therefore can the present suspension for one year, ever be a precedent for a suspension hereafter for two years; as some would seem to fear, though there be an absurdity in the very supposition. But the care in former suspensions, to guard against danger in that part of the year when the parliament would not be sitting, was justly affirmed to be a precedent for the same care in the present suspension; which could not have been shewn, without extending the term through the summer. Accordingly, it is impossible that extending the present act to the summer can be a precedent any farther, than for taking care of the interval between sessions and sessions.

"Seven times has this act, in the same form, passed; but never with more certain and undoubted necessity, than at present. It always guarded against the danger of the summer: and this cannot do the same, without remaining in force for a year. If it be a melancholy thing to think of such a suspension, whom must Englishmen thank for such an evil, but those who by their repeated designs make it absolutely necessary? Whom must they curse, if such designs had prevailed for want of a suspension, but an administration that would not contend for it? It may be abused, without doubt; there is a possibility of that. But there is a probability it will not, because it never has made matter for so much as one complaint, under the seven foregoing trials; and for a stronger reason, because it is evidently personal destruction to those ministers, who attempt to abuse it. But the possibility of such abuse is no argument against the necessity of extraordinary methods; and is greatly outweighed by the certainty or high probability of confusion first, and ruin afterwards, without it. Nor can I compare this dread of preventing a present ruin by a method, which has in it the bare possibility of being abused, to any thing better, than to the temper of a man, who, hearing the main beam of his house crack, and seeing it all yielding and tumbling upon his head, resolves not to escape out of it too rashly, because it is barely possible that a tile may fall from the top of the house upon his head. Something must be hazarded to save all; and when the whole is in danger, a part must not have all our care. A power to save is always in some degree a power to hurt. A power to do good always carries with it a power (though not a right) to do evil. But power must be trusted somewhere upon such occasions: and they trust it most reasonably, who trust it for a season of necessity only, where self interest and self preservation forbid the abuse of it. I say, self preservation. For it is at their own peril, that the ministers act under such a law: and they must know assuredly, and if there be the least abuse of the power given them, through malice or

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committed or detained (the Parliament sitting) without the consent of the Houses respectively;' since it is very probable the Parliament will not be sitting the greatest part of the time for which this Bill, if enacted, will continue a law: and such is the weakness of human nature, that we cannot be assured, but that the apprehension of what may befal any Member of Parliament, while the Parliament is not sitting, may have some influence on the freedom of acting and debating in Parliament.

"5. The dictatorial power was always ended or laid down immediately when the urgent occasion for it was over, and was never continued much longer, till a little before that great state (from which all others draw so many maxims of government) lost its liberties——

(*Signed.*) W. Ebor', Aylesford, Gower, Osborne, Fran. Cestriens', Ashburnham, Guilford, Craven, Cowper, Scarsdale, Trevor, Hay, Masham, Bathurst, Strafford, Anglesea, Bingley, Litchfield, Uxbridge."

Then the Bill with the said amendment was read a third time, passed without a division, and sent down to the Commons.

The Lords' Address of Thanks to the King for his Speech relating to the Conspiracy.] Oct. 12. The House of Lords presented the following Address to his Majesty:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, humbly return your Majesty the Thanks of this House for your Majesty's most gracious Speech from the throne, and for communicating to your parliament the dangerous Designs formed, and still carrying on, against your majesty's most sacred person and government, in favour of a Popish Pretender.

"We cannot sufficiently express our detestation and abhorrence thereof, or our just indignation against all such as have, by any means whatsoever, traiterously endeavoured to alienate the affections of your Majesty's good subjects, or, by maliciously fomenting any of their late discontents, however occasioned, to raise them to a spirit of rebellion.

"We think ourselves in duty bound, on this occasion, to declare our very great satisfaction in the wise measures taken by your Majesty, which, by the blessing of God have hitherto disappointed the treasonable projects of all your enemies, and happily preserved the peace and tranquillity of the kingdom.

"Could the enemies of our peace have procured a foreign force to invade us, and, by such assistance, a rebellion to have been raised in the heart of your kingdom, though we assure ourselves so desperate an attempt must have ended in their own destruction, it is not yet to be doubted, but that the city of London, whose wealth and influence have been so constantly employed in opposing Popery and arbitrary power, would have felt the utmost efforts of their fury, and the kingdom been made a scene of bloodshed and confusion.

"Such of your Majesty's good subjects, as may have been unwarily misled at so critical a juncture, must now plainly discern the differ-

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wantonness, at their hands it will be required; and at the end of the term allowed, the men themselves, who vested this power in them, will meet together with as great an indignation against them, and resolution to destroy them, as they now have shewn with regard to the Conspirators. There is a day of reckoning. This is security enough, even in the opinion of those who can think a ministry vile enough without it, to be wicked merely for wickedness sake. And the security is the same, as well in the absence of his majesty (which some have been pleased unnecessarily to suppose, to heighten their argument) as in his presence. For as a king of Great Britain, though present, is never supposed to act, but by his ministers, and they are accountable for all that is done; so, in his absence, if there can be a difference, they are much more, but without doubt, equally, accountable; no other character that can be given them, altering at all their ministerial office, or rendering them at all the less free from the apprehension and awe of a parliamentary inquiry.

"But why so much zeal against this length of time, when it cannot shew itself without gross self-contradiction? They who make this objection from a supposed absence, themselves profess a readiness to continue this act into the summer, if necessary; which is liable to the same objection. And they who think this act so secure from abuse, whilst a parliament is sitting to keep power in awe, cannot but know that the parliament must meet again at the end of this term; and that there is in truth as effectual and as beneficial an awe from the certainty that it must meet then, as from the seeing it met now.

"If I have omitted, or mistaken, any thing, on either side of the question in hand, I shall consider it in another paper, having no possible interest but that of my country. But in the present view of it, I am free to declare, for myself, as one Englishman, that considering the nature of the present Conspiracy, and the expectations and face of affairs abroad, I would not have thanked any of my representatives for defending me when I am most secure, and leaving me defenceless when I am least so. Now, I say, now is the time, (perhaps the only time we may have left us,) to shew in the face of all the powers of Europe, that we will try all methods, rather than suffer a Popish bigot to be imposed upon us; and that we have still unanimity, spirit, and strength enough, to search the present evil to the bottom. I am, &c. BRITANNICUS." See Political State, vol. 24. p. 426.

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once between those great calamities, from which, by the blessing of God, they have been hitherto preserved, and the imaginary dangers with which they have been industriously amused.

"We cannot but acknowledge with most grateful hearts, the inestimable blessings we have enjoyed under your Majesty's government during the whole course of your reign; and return your Majesty our most unfeigned thanks for your Majesty's most gracious Declaration, on which we entirely depend, that your Majesty will steadily adhere to our constitution in church and state, and continue to make the laws of the realm the rule and measure of all your actions. And we humbly beg leave to assure your Majesty of our most unshaken fidelity; and that we will, to the utmost of our power, on all occasions, stand by and assist your Majesty against all your enemies whatsoever, both at home and abroad, in maintenance of your Majesty's undoubted right and title to the Imperial Crown of this realm."

The King's Answer.] The King's Answer was as follows:

"My Lords;

"I thank you for this loyal and dutiful Address. So seasonable a mark of your zeal and affection will be of the greatest service at this critical juncture, and lay me under the strictest obligation to use the confidence you repose in me to no other ends, than the preservation of the public tranquillity, and of the rights and liberties of my people."

Debate in the Commons on the Address of Thanks.] Mr. Speaker having afterwards reported the King's Speech to both Houses,

Mr. *William Pulteney* stood up, and represented the dismal consequences of the Plot, if it had pleased the Divine Providence that it had not been timely discovered; and moved for an Address of Thanks, on the several heads of his Majesty's Speech, particularly to congratulate his Majesty on the timely discovery of the dangerous and unnatural Conspiracy against his Majesty's person and government; to express the just detestation and abhorrence his faithful Commons had of all such traiterous practices, and their indignation and resentment against the authors and contrivers of them.

This was seconded by Mr. Doddington; but

Mr. *Shippen* moved that to the paragraph, 'Assuring his Majesty, that his faithful Commons would enable him effectually to suppress all remaining spirit of rebellion,' these words might be added, 'with due regard to the liberty of the subject, the constitution in church and state, and the laws now in force.'

He was seconded by sir William Wyndham, member for Somersetshire; but

Mr. *Pulteney* replied, That such a clause would be injurious to the King, since it would look like making a condition or bargain with his Majesty, and tacitly imply, either that the laws had already been infringed, or that the Commons were jealous lest his Majesty should, for the future, break in upon the constitution: therefore, instead of the said clause, he proposed, that at the latter end of the Address, they should return his Majesty their Thanks for his most gracious Declaration, that he would preserve the constitution in church and state, and continue to make the laws of the realm the rule and measure of all his actions.

This was seconded by Mr. Yonge. And then the question being put, which of the two clauses should be made part of the Address, it was carried for Mr. Pulteney's clause, without any division. After this, a Committee was appointed to draw up the said Address.

Debate in the Commons on the Bill for suspending the Habeas Corpus Act for one Year.] Mr. Justice Tracy and Mr. Baron Price having brought from the Lords, a Bill, 'To impower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government;' The same, upon Mr. R. Walpole's motion, was immediately read the first time, and ordered to be read a second time the next morning.

Oct. 16. The said Bill was read a second time, and a motion being made, and the question put thereupon, That it be committed to a Committee of the whole House, the same was opposed by

Mr. *Cæsar*, who represented the dangerous consequences of a suspension of the Habeas Corpus Act, to the rights and liberties of Englishmen. He was seconded by Mr. Hungerford, member for Scarborough.

Mr. *Bromley* said thereupon, That the chief objection against this bill being in point of time, and whether the suspension was to continue six or twelve months, it was more proper to debate it in a Committee than in a House, and therefore he was for committing it; which, after some small opposition, was carried without dividing. The House being immediately resolved into that Committee, and the earl of Hertford placed in the chair,

Mr. *Spencer Cowper* stood up, and opened the debate. He declared, That he and all his family had come as early and as readily into the Revolution, and on all occasions had appeared as zealous for the present happy settlement as any one: but yet he could not be of opinion, to trust the liberties of the people in the hands of any ministry, for so long a time as above a year. That neither in king William's nor queen Anne's reigns, nor since his present Majesty's accession to the throne, even in times of open and actual rebellion, the Habeas Corpus act had ever been suspended for above six months; and therefore he moved, that the present suspension might be limited to that term. He was seconded by Mr. Smith.

Sir *Joseph Jekyll* added, That if at the end of those six months, there appeared to be a necessity for a farther suspension, he should, and

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he doubted not but the whole House would, readily come into it. They were answered by

Sir *Robert Raymond* (Attorney General) who, to shew the necessity of the suspension for a whole year, said, That the present Conspiracy being laid deep, spreading far and wide, and consisting of several branches, it required a great deal of time to unravel, and make a full discovery of it.

Mr. Worsley having answered him, he was replied to by Sir Gilfred Lawson, after which the debate was continued between Mr. Hungerford, Mr. Jefferies, Mr. Hutcheson, and Mr. Sloper, who all supported Mr. Cowper's motion; and Mr. Pulteney, Mr. Yonge, and Mr. H. Pelham, who were for agreeing to the bill without amendments. At last

Mr. *Robert Walpole*, Chancellor and Under Treasurer of the Exchequer, laid before the House some particulars of the detestable and dangerous Conspiracy,* which for some time past had been, and was still carrying on, for the utter subversion of the present happy settlement. He said, That this wicked design was formed about Christmas last; that the conspirators had at first made application to some Potentates abroad, for an assistance of 5000 men: that being denied, they afterwards, about the month of April, made farther application and earnest instances for 8000 men: that being again disappointed in their expectations from foreign assistance, they resolved desperately to go on, confiding in their own strength, and fondly depending on the disaffection in England; and that their first attempt was to have been the seizing of the Bank, the Exchequer, and such other places where the public money was lodged: that the government had undoubted informations of this Plot ever since May last; but nevertheless thought fit not to take up any body, because there being then two terms coming on together, the conspirators would

* "During the ferment of the general election, the Plot of which bishop Atterbury was the head, was detected, and from the mention of it in the king's Speech, it became the first object which engaged the attention of the legislature. As Walpole, from his situation and intelligence, procured the earliest information of this conspiracy, and took an active share in the prosecution, I shall throw together a few anecdotes of bishop Atterbury, and add such new information as can be derived from the Orford and Walpole papers.

"Francis Atterbury was born at Middleton near Newport Pagnel, in Buckinghamshire, in 1662. He received his education at Westminster school, and was from thence elected a student of Christ Church College Oxford. At both places he took indefatigable pains in improving himself, and at a very early period, was distinguished for elegance of taste, and knowledge of classical literature, which he displayed in a Latin version of Dryden's Absalom and Achitophel, and a translation of some odes of Horace. In the 24th year of his age he proved his talents in controversial writing, by vindicating Martin Luther in a publication, which induced Burnet to rank him among those eminent divines who had signalised themselves by their admirable defences of the Protestant Religion. On taking orders, he acquired a high reputation by his talent in preaching, and by supporting, against Hoadly and Wake, the doctrines of the high church. Bred up in Tory principles, he wrote in favour of passive obedience, and displayed so much learning and ingenuity, that he was chosen prolocutor of the lower house of convocation, and chiefly managed the affairs in that assembly. A similarity of opinion induced him warmly to espouse the cause of his friend Sacheverel, and he is supposed to have had the principal share in drawing up the masterly defence which the doctor delivered at his trial. He was first patronised by Sir Jonathan Trelawney, bishop of Exeter; appointed by the Tory administration of queen Anne, dean of Christ Church, and, in 1713, advanced, at the recommendation of the earl of Oxford, to the bishopric of Rochester and deanery of Westminster. At that period he was in such high estimation with the queen and ministry, that he was not unfrequently consulted in points of the utmost importance. He was always inimical to the succession of the Hanover line, and on the death of Queen Anne, was accused, by Harcourt, of having offered to assist at the proclamation of the Pretender, in his lawn sleeves; and when Ormond and Bolingbroke declined taking any vigorous step, is reported to have exclaimed "Never was a better cause lost for want of spirit!" It is certain that he was involved in the schemes of Bolingbroke, and a letter from that minister soon after the queen's death, proves the extreme confidence reposed in him.

"On the accession of George the first, he received evident marks of coldness from the new sovereign; and on the breaking out of the rebellion, gave an instance of his disaffection, by refusing to sign the declaration of the bishops in favour of the crown. He uniformly employed his great eloquence in the House of Lords, in opposing the measures of government, and in drawing up the most violent protests. Atterbury was of a restless aspiring temper, and eager to obtain the highest honours of the church, which he would certainly have acquired, had not queen Anne died. The active part which he had taken during her reign, against the succession of the house of Brunswick, and his uniform opposition to the government of the new sovereign, precluded him from all expectations of promotion. But when Sunderland courted the Tories, and made overtures to him as to the leader of the disaffected party, his conduct was so equivocal, that his friends reproached him with having deserted his principles; and his enemies did not hesitate asserting that he had engaged in a conspiracy against the government, because his demand of the bishopric of Winchester was rejected. There seems, however, to be no foundation for these

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have had the benefit of the Habeas Corpus act and so the apprehending them was put off until the long vacation. He added, That the traiterous designs against his Majesty's person and government had been carrying on ever since the death of the late queen; and that they could prove that there had been a meeting of some considerable persons, one of whom was not far off, wherein it had been proposed to proclaim the Pretender at the Royal Exchange. That an exact account of this detestable Conspiracy would, in due time, be laid before the Parliament: and as to the business now before them, though it was true, that the Habeas Corpus act had never before been suspended for above six months; yet, considering the Lords had made this suspension for a whole year, if the Commons should go about to alter it, the same might occasion a difference between the two Houses, which at this time of jealousy and danger, might sound ill in foreign courts.

After this speech, about seven in the evening the question being put, that the Bill do pass as it was sent down from the Lords, it was carried in the affirmative by a majority of 246 voices against 193. Then the Speaker resumed the chair, and the earl of Hertford having immediately reported the said bill to the House without any amendment; it was read the third time, and passed without dividing.

The Commons' Address of Thanks to the King for his Speech relating to the Conspiracy.] Oct. 17. The King came to the House of Peers with the usual solemnity, and the Commons attending, his Majesty gave the royal assent to the said Bill. The same day the House presented their Address to the King, as follows:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, beg leave to return our humble thanks to your Majesty, for your most gracious Speech from the throne.

"It is with hearts full of joy we approach your sacred person to congratulate your Majesty, that, by the blessing of God, the designs of your enemies have hitherto been happily frustrated and disappointed.

"We cannot sufficiently acknowledge your Majesty's care and vigilance, and the wise and prudent measures you have taken for our safety, in ordering the encampment of the troops, and sending for such others from Ireland, as were thought farther necessary for the peace and quiet of this kingdom. And it is the greatest satisfaction to us, to see the readiness of your Majesty's good friends and allies, the States General, to assist you with a good body of forces, if there had been occasion.

"But among all the steps taken for the safety of your Majesty and the kingdom, none can possibly equal that of the speedy calling your loyal Commons together in parliament; who are met determined with the utmost unanimity and zeal, to do every thing in their power for the preservation of your Majesty's most sacred person: nor can less be expected from the gratitude and affection of a free people, sensible that through the whole course of your reign, no innovation has been attempted in our holy religion, nor the least incroachment made upon the liberty or property of any of your subjects, and that the full enjoyment of all that is dear and valuable to them, is entirely owing to your Majesty's government.

"Though the enemies of our happy establishment should have malice and boldness enough, still to be carrying on their traiterous designs, yet we are persuaded, that all uneasiness and apprehensions will vanish, when your faithful Commons assure your Majesty, that they will enable you effectually to suppress all remaining spirit of rebellion.

"If neither the sacred obligation of the most solemn oaths, nor the certain misery they must bring upon their country, who would attempt to overturn this government, can deter them from such desperate undertakings: If there be any of your Majesty's subjects, who are so abandoned, as to be ready to exchange the Protestant religion for Popery, and liberty for slavery; yet we hope the vigorous resolutions of a loyal and dutiful parliament will convince them of the danger as well as folly of such an attempt; and shew the whole world, that the generality and best part of your people are so far from giving any invitation to foreign powers to invade us, that they will, with their lives and fortunes, support your Majesty against all your enemies at home and abroad.

"We cannot therefore express too great an abhorrence of such unnatural practices, nor too great an indignation against those who would have made the capital of this flourishing kingdom a scene of blood and desolation. Wicked men! whilst they have the malice to revile your government, and attempt to over-

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reflections; it is probable that in listening to the overtures of Sunderland, he conceived hopes, that the minister was inclined to promote the cause of the Pretender, and that Sunderland was duped by him, rather than that he was duped by Sunderland. And if we may judge from the inflexibility of his character, there is reason to believe that he rejected all offers of promotion, and was never inclined to desert his party.

"It appears from Sir Luke Schaub's correspondence from Paris, that the first intimation of the conspiracy in which he was engaged, came from the regent duke of Orleans, to whom the agents of the Pretender communicated the plot, in hopes of receiving assistance from him, and that he betrayed them to the king of England.

"In consequence of his full conviction of the truth and danger of the Conspiracy, Walpole took an active share in conducting the prosecution: he first mentioned it to the House, when the bill for suspending the habeas corpus act was opposed, and a motion made to limit its duration to six months." Coxe's Walpole.

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turn it, at the same time have the insolence to depend upon the clemency of it for their security; while they are endeavouring to destroy all liberty, they are clamouring that a few of them, are, for the public safety, confined: whilst they are attempting to destroy all property, they are murmuring at the necessary taxes given to your Majesty for the security of it: And whilst they act against all law themselves, they trust and are confident that, even in their own case, the laws of the realm will be the rule and measure of your actions.

"We beg leave to acknowledge, with great gratitude, your Majesty's goodness, in assuring us, that notwithstanding the traiterous practices of your enemies have made the increase of the annual expence necessary, yet care will be taken, that the supplies to be asked for the year ensuing, shall very little exceed what was given for the service of the last.

"And we assure your Majesty, that we will not only make good the extraordinary expences that have been already incurred, but will, with all cheerfulness, grant whatever shall be necessary for the safety of the kingdom; being entirely convinced, that we can by no other means restore public credit, and enable ourselves to attempt the gradual reduction of the great national debt, with a strict regard to parliamentary faith, than by doing every thing in our power for the support of your Majesty's government, and the happy establishment in your royal family.

"And we do with all humility return your Majesty our unfeigned thanks for your most gracious Declaration, on which we entirely rely, that your Majesty will steadily adhere to our constitution in church and state, and continue to make the laws of the realm the rule and measure of your actions."

The King's Answer.] To the above Address the King returned the following Answer:

"Gentlemen;

"I return you my hearty thanks for this very dutiful and loyal Addresss. The seasonable declarations of your zeal and affection to my person and government, will, I doubt not, contribute very much to the tranquillity and safety of the kingdom; and as I shall always look upon my own and the interest of my people to be inseparable, you may be assured I shall make no use of any power or confidence that my faithful Commons shall place in me, but in support of the constitution, and in maintenance of the rights and liberties of my people."

The Bishop of Rochester, Lord North and Grey, and the Earl of Orrery detained in the Tower, on account of the Conspiracy.] Oct. 17. Lord *Carteret* acquainted the Lords, That the bishop of Rochester, the lord North and Grey, and the earl of Orrery, were committed to the Tower for having entered into a dangerous Conspiracy against his Majesty's person and government; and that his Majesty desired the consent of the House to detain the said lords, Prisoners in the Tower by virtue of the Act passed this session for suspending the Habeas Corpus act: To this the House readily consented.

The Duke of Norfolk committed on a Suspicion of High Treason.] Oct. 26. The House was informed by lord Townshend, That his Majesty, having just cause to suspect the duke of Norfolk was engaged in the traiterous Conspiracy carrying on, had caused him to be apprehended, and did desire the consent of the House, that the said duke might be committed and detained. A motion being thereupon made, to consent that the said duke be committed and detained accordingly; the same was strenously opposed by the earls of Aylesford, Cowper, Anglesea, Strafford, Coningsby, and Uxbridge; the lords Bathurst, Lechmere, and some others; But they were answered by the lords viscounts Harcourt, Townshend, the duke of Newcastle, and the lord Carteret:

Protest against it.] Then the question being put upon the said motion, it was carried in the affirmative, by 60 voices against 28.

"Dissentient'

"1. Because we apprehended it to be one of the ancient undoubted rights and privileges of this House, that no member of the House be imprisoned or detained, during the sitting of parliament, upon suspicion of High-Treason, until the cause and grounds of such suspicion be communicated to the House, and the consent of the House thereupon had to such imprisonment or detainer, which ancient right and privilege is recognized and declared, in plain, express and full terms, in the act passed this session of parliament, to which the message from his Majesty refers.

"2. Because it appears clear to us, not only from former precedents, even when no such law was in being as that above-mentioned, but also from the necessary instruction of the proviso therein concerning the privileges of Parliament, that the House is intitled to have the matter of the suspicion communicated to them in such manner as is consistent with the dignity of the House, and will enable them to deliberate and found a right judgment thereupon, for or against the imprisonment or detainer of the person concerned; But to maintain, that whilst that law shall be in force, it shall be sufficient, in order to obtain the consent of the House, to communicate a general suspicion that a member of the House is concerned in a traiterous conspiracy, without disclosing any matter or circumstance to warrant such suspicion, is, in our opinions, an unjustifiable construction of the said proviso, and such as wholly deprives the House of the liberty of giving their free and impartial advice to the throne on this occasion; and such a construction being made upon a law, so plainly intended by the wisdom of this par-

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liament to assert the privileges of both Houses, appears to us to pervert the plain words and meaning of it, in such a manner as renders it wholly destructive of those very privileges intended to be preserved.

"3. Because his Majesty having, in effect, required the judgment and advice of the House touching the imprisonment and detainer of the duke of Norfolk; we ought not, as we conceive, either in duty to his Majesty, or in justice to the peer concerned, to found our opinions concerning the same on any grounds, other than such only as his Majesty hath been pleased to communicate in his message: And his Majesty, by his message, having communicated only a general suspicion, we think we cannot, without the highest injustice to the duke, and the most palpable violation of one of the most valuable privileges belonging to every member of this House, give our consent to his imprisonment or detainer, and thereby make ourselves parties to, and, in some degree the authors of such his imprisonment, until we have a more particular satisfaction touching the matters of which he stands suspected; more especially considering the long and unprecedented duration of the act above-mentioned, whereby the benefit not only of the act commonly called the Habeas Corpus act, but of Magna Charta itself, and other valuable laws of liberty, are taken from the subjects of this realm, and extraordinary powers are given, to the persons therein mentioned, over the liberties of the people for a twelvemonth and upwards.

"4. Because, we think, it is inconsistent, as well with the honour and dignity, as with the justice of this House, in the case of the meanest subjects, to come to resolutions for depriving them of their liberty, upon other than clear and satisfactory grounds: But as the members of both Houses of Parliament are, by the laws, and constitution of this kingdom, invested with peculiar rights and privileges, of which the privilege before mentioned is a most essential one, as well for the support of the crown itself, as for the good and safety of the whole kingdom; we cannot, as we conceive, without betraying those great trusts which are reposed in us, as peers of this realm, agree to a resolution which tends, in our opinion, to subject every member of this House, even while the Parliament is sitting, to unwarrantable and arbitrary imprisonments: And we have the greater reason to be jealous of the infringement of this privilege on this occasion, because it had been very easy, as we think, for those who had the honour to advise the framing the said Message, to have communicated to this House the matter of which the Duke of Norfolk stands suspected, in such a manner as might be consistent with the privileges of this House; and at the same time avoided any danger or inconvenience to the crown, with regard to the future prosecution of the said duke, if any such shall be.

5. "It is the known usage and law of Parliament, that this House will not permit any peer to be sequestered from Parliament, on a general impeachment of the Commons, even for high-treason, till the matter of the charge be specified in articles exhibited to this House; which explains to us the nature of the privilege intended to be secured by the proviso, and is the highest instance of the care of this House to preserve it from being violated on any pretence whatsoever: But, in our opinions, it must create the greatest inconvenience and repugnancy in the proceedings of the House, to consent that a peer of the realm should be imprisoned or detained (the Parliament sitting) on suspicion of high-treason only, not warranted, for aught appears to us, by any information given against him upon oath, or otherwise, and no particular circumstance of such suspicion being communicated to the House.

6. "Because a resolution so ill grounded as this appears to us, may produce very ill effects, in the present unhappy conjuncture of affairs, by creating fresh jealousies in the minds of his Majesty's subjects, who cannot fail of entertaining certain hopes of the safety of his Majesty's person and government against all his enemies, from the advice and assistance of both Houses of Parliament, whilst they continue in the full enjoyment and free exercise of their ancient and legal rights and privileges; but, on the other hand, may be alarmed with new fears for the honour and safety of his Majesty and his government, by a resolution taken by this House for the imprisonment of a peer of the realm, in such a manner as, in our opinions, is highly injurious to his person, and also to the privilege of every other peer of this realm; and which may prove of fatal consequence to the constitution of both Houses of Parliament.——

(*Signed,*)—W. Ebor', Bathurst, Trevor, Hay, Uxbridge, Oxford, Cowper, Fran. Cestriens', Scarsdale, Lechmere, Hereford, Bingley, Compton, Strafford, Foley, Osborne, Bristol, Guilford, Ashburnham."

Debate on the Augmentation of the Army.] October 26. The Commons in a grand Committee considered farther of the Supply, and Mr. Treby having represented the necessity, at this time of danger from the traiterous designs and conspiracies that were still carrying on by the enemies of the government, to increase the present standing forces, and thereupon moved for an augmentation of about 4,000 men, the same occasioned a very long and warm debate. The chief opponents of the motion were, Mr. Shippen, lord Morpeth, Mr. Palmer, Mr. Bromley, Mr. Barnard, Mr. Crowley, sir Thomas Hanmer, and Mr. Hutcheson: But they were answered by Mr. Sandys, captain Vernon, Mr. Eversfield, Mr. H. Pelham, Mr. Doddington, lord Stanhope, Mr. West, Mr. Smith, Mr. R. Walpole, lord Middleton, and Mr. Pulteney; Then the question being put upon Mr. Treby's motion, it was carried in the affirmative, by 236 voices against 164. After this, it was resolved,

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without dividing, "That the number of effective men, for guards and garrisons in Great Britain, Jersey, and Guernsey, for the year 1723, including 1,859 invalids, be 18,294 men, commission and non-commission officers included." Which Resolution, being the next day reported, was agreed to by the House.

Mr. R. Walpole hints a Design of laying an extraordinary Tax on Roman Catholics and Nonjurors.] October 31. The Commons in a grand Committee considered of ways and means to raise the Supply, and upon Mr. R. Walpole's motion, it was unanimously agreed to lay two shillings in the pound upon all lands, tenements, pensions, offices, &c. Mr. Walpole, on that occasion, acquainted the House, That he hoped that tax, together with the duty on malt, and the million in exchequer bills which the South-Sea were to repay to the government, would go near to answer all the necessary expences for the next year's service; and in order to make up what might be deficient he hinted the laying an extraordinary Tax of five shillings in the pound, on the Estates of all Roman Catholics and Non-jurors; which could not be thought either unjust or unreasonable, considering the ill use they made of the saving out of their incomes, which most of them laid out in maintaining the Pretender and his adherents abroad, and fomenting sedition and rebellion at home.

The King's Message concerning the Pretender's Declaration.] November 16. The lord viscount Townshend delivered to the House of Peers the following Message signed by his Majesty, viz.

"G. R.

"His Majesty having been informed, That many scandalous Declarations in print have been, by several foreign posts, transmitted into this kingdom, in order to be dispersed among his good and faithful subjects, to poison their minds and seduce them from their allegiance; several of those Declarations have, by his Majesty's order, even since his Majesty received from both Houses of Parliament the last most solemn and acceptable assurances of their fidelity, been intercepted; and among them an original in writing, signed, as his Majesty has good reason to believe, by the Pretender himself. This, together with one of the printed copies, his Majesty has ordered to be laid before you, as a matter not unworthy of your consideration."

After the reading of this Message, and of the Declaration therein mentioned, the earl of Scarborough moved, that the House would come to some vigorous Resolutions, to shew their just resentment of the high indignity offered, in the said Declaration, to his Majesty, and the whole British nation; and being seconded by the lord Harcourt, a Committee was appointed to draw up the said Resolutions, which were immediately reported and agreed to as follows, viz.

"Resolved, by the Lords Spiritual and Temporal, in Parliament assembled, that the Paper this day communicated by his Majesty, intitled, 'Declaration of James the third, king of England, Scotland, and Ireland, to all his loving subjects of the three nations, and to all foreign princes and states, to serve as a foundation for a lasting peace in Europe,' and signed 'James Rex,'* is a false, insolent, and traiterous libel, the highest indignity to his most sacred Majesty King George, our lawful and undoubted sovereign, full of arrogance and presumption, in supposing the Pretender in a condition to offer terms to his Majesty; and injurious to the honour of the British nation, in imagining that a free Protestant people, happy under the government of the best of princes, can be so infatuated, as, without the utmost

* The following is the substance of the said Declaration. The Pretender begins with shewing how fond he is of his subjects; that, though the obligation he owes to his own honour be great, yet the obligation to the safety and tranquillity of his native country is above all ties the dearest to him and the tenderest. He then talks of the late violations to the freedom of elections: Of conspiracies invented on purpose to give pretence for new oppressions: Of infamous informers: And a state of proscription in which he concludes every honest well-meaning man to be. These considerations have engaged him to enter seriously into himself, and examine his heart, what sacrifice to make on his own part for the public peace, especially of these kingdoms, of which he is the natural and undoubted father. Then he proposes, that, if king George will quietly deliver to him the possession of his throne, he will in return bestow upon him the title of king in his native dominions, and invite all other states to confirm it, with a promise to leave to him his succession to the British dominions secure, whenever in due course his natural right shall take place. As motives to this resignation, he says, that in king George's native dominions an uncontestable right will free him from the crime and reproach of tyranny, and represents the difference between a calm undisturbed reign over a willing people, and a restless possession in a strange land, where authority, forcing the inclinations of the people, can only be supported by blood and violence, eternally subject to fears and alarms, even when no danger appears. He concludes with saying, king George's settlement here is frail and uncertain, because his title shall, while the Pretender has health or any descendants in being, be for ever disputed, conjuring him, instead of advising with an imperious ministry, as much his tyrants as the nation's, to consult his reason, to ask his conscience, and to examine his interest and glory, and then his very ambition will admonish him to descend from a throne, which must be always shaking, to mount another where his seat will be firm and secure.

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contempt and indignation, to hear of any terms from a Popish bigotted Pretender.

"Resolved, by the Lords spiritual and temporal, in Parliament assembled, That the printed copy of the Pretender's Declaration, mentioned in his Majesty's Message, be burnt by the hands of the common hangman, at the Royal Exchange in London, upon Tuesday next at one of the clock; and that the sheriffs of London do cause the same to be burnt there accordingly."

This done the Lords sent a Message to desire a Conference with the Commons, which being readily agreed to, the Lord President, one of the managers for the Lords, acquainted the managers for the Commons, (who were Mr. Chancellor of the Exchequer, Mr. Edgecombe, Mr. Comptroller, Mr. Pelham, Mr. Hutcheson, Mr. Yonge, Mr. Bromley, and Colonel Bladen) That the Lords being desirous always to keep up a good correspondence with the Commons, they had thought proper to communicate to them the Message their Lordships had received from his Majesty, together with the Declaration therein mentioned, as also their Lordships' Resolutions upon this extraordinary occasion, upon which they desired the concurrence of the Commons. The managers for the Commons being returned to their House, Mr. Pelham reported the Conference, and that it was to communicate to this House a Message sent to the Lords by his Majesty, under his sign manual, concerning an original Declaration in writing, signed by the Pretender himself; together with the said Declaration and a printed copy thereof; and that the Lords had come to some Resolution thereupon, to which their Lordships desired the concurrence of this House. And the said report, and also the said Message from his Majesty to the House of Lords, and the declaration signed by the Pretender, and the printed copy thereof, and the Resolution of the Lords thereupon, were read.

Hereupon, Mr. Sandys moved, for agreeing with the Lords in the first Resolutions, and being seconded by colonel Bladen, the same was unanimously agreed to. Then the second Resolution being read a second time, Mr. Yonge moved for an amendment to it, viz. "That the two sheriffs of London should then attend in their own proper persons, and cause the said Declaration to be burnt by the hands of the common hangman." Which resolution, so amended, was agreed to, *nem. con.*

On this occasion Mr. Yonge, in a long speech, run over the Pretender's Declaration, and exposed the insolence, weakness, and absurdities of that libel. Sir William Thompson, recorder of London, spoke also, with great vehemence on the same topic, as did also Mr. H. Pelham, who moved, That an Address be presented to his Majesty upon that subject. He was seconded by Mr. Arthur Onslow, member for Guildford, who represented the danger of Popery, and animadverted on the audaciousness of the Pretender and his adherents:

Hereupon it was resolved, *nem. con.* "That an humble Address be presented to his Majesty, expressing their utmost astonishment and indignation at the surprising insolence of the Pretender, in his late traiterous and presumptuous Declaration; and to assure his Majesty, that his faithful subjects being fully satisfied they have no other security for their religious and civil rights, but the preservation of his person and government and the Protestant succession, are determined to support, with their lives and fortunes, his most just title to the crown of these realms, against the Pretender and all his open and secret abettors." And a Committee was appointed to draw up an Address, pursuant to the said Resolution.

The Joint Address of both Houses to the King, relating to the Pretender's Declaration.] Nov. 17. Mr. Pelham reported the said Address, which being unanimously agreed to, the managers of the Commons were sent to desire their Lordships' concurrence both to the Amendment to one of their Resolutions beforementioned, and to the Address the Commons had agreed upon. The Lords having readily concurred, both Houses went immediately to the palace at St. James's, and presented to his Majesty the said Address as follows:

"Most gracious Sovereign;

"We your Majesty's most dutiful and faithful subjects the Lords Spiritual and Temporal, and Commons in Parliament assembled, being deeply affected with the sense of those many blessings which we have constantly enjoyed, and hope long to enjoy, under your Majesty's most just and gracious government; and being thoroughly convinced that our religious and civil rights, as well as the very being of the British name and Constitution, do, under God, entirely depend upon the preservation of your Majesty's sacred person, and of the Protestant succession, as settled by law, in your royal line, are filled with the utmost astonishment and indignation at the unexampled presumption and arrogance of the Pretender to your dominions, in daring to offer such an indignity to your Majesty and the British nation, as to declare to your subjects, and to all foreign princes, and States, that he finds himself in a condition to offer terms to your Majesty, and even to capitulate with you for the absolute surrender of the religion and liberties of a free nation.

"However great the infatuation of his advisers may be, we are sensible nothing could have raised his or their hopes to so extravagant a degree of presumption, but repeated encouragements and assurances from the conspirators at home, founded on the most injurious and gross misrepresentations of the inclinations and affections of your Majesty's subjects; and a rash conclusion, that because some, from whom it ought least to have been expected, had broke through the solemn restraint of reiterated oaths, in order to raise themselves on the ruins of their country; therefore the whole body of the nation was ripe for the same fatal defection, and ready to exchange the mild and

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legal government of a most indulgent prince, for the boundless rage of an attainted fugitive, bred up in the maxims of tyranny and superstition.

"But we, your Majesty's most dutiful and loyal subjects, resolve, by a steady and constant adherence to your government, to wipe off this stain and imputation from the name of Britons; and to convince the world, that those wicked designs, formed against your Majesty's sacred person and government, which the insolence of this declaration proves to be most real while it affects to treat them as imaginary, are indeed impracticable against a prince relying on and supported by the vigour and duty of a British Parliament and the affections of his people.

"And we beg leave in the most solemn manner, to assure your Majesty that neither the impotent menace of foreign assistance, nor the utmost efforts of domestic traitors shall ever deter us from standing by your Majesty with our lives and fortunes, and supporting your Majesty's most just title to the crown of these realms against the Pretender and all his open and secret abettors, both at home and abroad."

The King's Answer.] To which his Majesty returned the following Answer:

"My Lords and Gentlemen;

"I give you many thanks for the just resentment you have expressed against the indignity offered to me and the British nation. I shall continue to protect and support my good people in the full enjoyment of their religion, liberties, and properties, against all that shall endeavour to subject them to tyranny and superstition."

Debate in the Commons on the Motion for raising 100,000*l. on the Roman Catholics towards the Supply of the current Year.*] Nov. 23. In a grand Committee, the Commons considered on ways and means to raise the Supply, and a motion was made, "That towards raising the supply, and reimbursing to the public the great expences occasioned by the late rebellions and disorders, the sum of 100,000*l.* be raised and levyed upon the real and personal estates of all Papists, Popish Recusants, or persons educated in the Popish Religion, or whose parents are Papists, or who shall profess the Popish religion, in lieu of all forfeitures already incurred for, or upon account of their recusancy, and in lieu of the rents and profits of two thirds of their registered estates for one year."

This motion was opposed by sir Wilfred Lawson, and Mr. Hungerford, who suggested, That such an extraordinary tax would carry the face of persecution, which was inconsistent with the principles and temper of the Protestant Religion.

Da *Friend* added, That some of those that had their education in foreign Popish Seminaries proved some of the best friends to the present government.

Mr. *Yonge* answered, That he knew very little of foreign education, but he doubted very much whether loyalty to king George was taught by priests and Jesuits in Romish Seminaries.

The Lord *Gage*, (who was bred a Roman Catholic) hereupon said, That he believed most of the Roman Catholics to be very loyal subjects, though by their principles they cannot take the oath of Supremacy; and therefore his lordship proposed that a new oath of Allegiance might be framed for them.

Mr. *Onslow* spoke on the same side, and declared his abhorrence of persecuting any body, on account of their opinions in Religion. This was answered by

Sir *William Thompson*, who stated the notion in his opinion of persecution, which was only when any one is punished for his particular opinion in religion, and for serving God according to that opinion and the dictates of conscience: but added, That was not the case here, for the extraordinary tax now intended to be raised upon the Papists, was not a punishment for their being Roman-Catholics, but on account of penalties they had at divers times incurred, for being enemies to the civil government, raising rebellions, and contriving plots against the State.

He was replied to by lord Gage, who was answered by Mr. Horatio Walpole, and he again by Mr. Hungerford. At last

Mr. *Robert Walpole* stood up, and represented the great dangers this nation had been in, ever since the Reformation, from the constant endeavours of Papists to subvert our happy constitution and the Protestant Religion, by the most cruel, violent, and unjustifiable methods; that he would not take upon him to charge any particular person among them with being concerned in the present horrid conspiracy, but that it was notorious to the whole world, that many of them had been engaged in the Preston Rebellion, and some were executed for it; and the present plot was contrived at Rome, and countenanced in Popish countries; that many of the Papists were not only well-wishers to it, but had contributed large sums of money towards carrying of it on; and therefore he thought it was very reasonable, since they made such ill use of the savings of the incomes of their estates, that the same should go towards the great expence which they and the Pretender's friends had put the nation to.

Then the question being put upon the motion above, it was carried in the affirmative by 217 votes, against 168.

Nov. 26. The above Resolution was reported, and the question being put, That the House agree with the Committee, it was very vigorously opposed by lord Gage, Mr. Lutwyche, Mr. Hungerford, Mr. Sloper, and sir Joseph Jekyll, which last took notice, That though the law for taking away two thirds of the estates of Popish recusants, which was made in queen Elizabeth's reign, was a just punishment the Roman-Catholics drew upon themselves by their frequent

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conspiracies against her life and government; yet nevertheless, such was the wisdom and moderation of that excellent princess and of her ministers, that they never put that severe law in execution; and since those great virtues shone no less brightly in his present Majesty, than in queen Elizabeth, his royal Predecessor, he wished he could say the same of those who have the honour to serve him. Mr. West spoke likewise against the Resolution, but was answered by Mr. Lowndes, captain Vernon, and Mr. R. Walpole, so that the question being put thereupon, it was carried by 188 voices against 172; and a Bill was ordered to be brought in accordingly.

Petition from the South Sea Company, relating to the converting one Moiety of their Capital into Annuities.] December 12. A Petition of the South Sea Company was presented to the House by sir John Eyles, and read, setting forth, That they laboured under an insupportable burden, from which they prayed to be relieved by this House; and that they were content to convert part of their Capital into Annuities, redeemable by Parliament, transferable at and payable by, the said Company.

Hereupon Mr. R. Walpole informed the House, That his Majesty had been acquainted with the substance of the said Petition, and had commanded him to acquaint this House; That his Majesty gave his consent that this House should proceed to the consideration of the said Petition, upon condition that the said Company should convert one moiety of their capital into annuities.

Then some clauses in the Act of Parliament of the seventh year of his Majesty's reign, intitled, an Act, 'For making several provisions to 'restore the public credit, which suffers by the 'frauds and mismanagement of the late Direc-'tors of the South-Sea Company and others,' were read, and a motion being made, that the Petition above-mentioned be referred to the consideration of the Committee of the whole House, who were to consider of the State of Public Credit and of the State of the National Debt, the said motion was opposed by Mr. Sloper, serjeant Pengelly, Mr. Hutcheson, Mr. Freeman, and sir Joseph Jekyll: but being answered by sir John Eyles, Mr. Methuen, and Mr. Robert Walpole, the said motion was carried, without dividing.

Then the House went into the said Committee, and a motion being made for remitting the two millions due from the South-Sea Company to the government, and for converting into Annuities one moiety of their Capital Stock: this was strenuously opposed by Mr. Sloper, sir Joseph Jekyll, Mr. Thomas Broderick, sir Nathaniel Gould, Mr. Trenchard, sir Wilfred Lawson, and lord Tyrconnel, who were answered by Mr. Hungerford, sir John Eyles, Mr. Yonge, Mr. Horatio Walpole, Mr. Robert Walpole, and Mr. William Pulteney. After a debate that lasted till seven in the evening, the question being put upon the same motion, the same was carried in the affirmative by 210 voices against 147.

The Commons appoint a Committee to examine Christopher Layer touching the Conspiracy.] January 15, 1723. Upon a motion made by sir John Rushout, it was resolved, *nem. con.* "That a Committee be appointed to go to the Tower of London, to examine Christopher Layer, in relation to the conspiracy mentioned in his Majesty's Speech, at the opening of this Parliament, to be carrying on against his person and government;" and ordered, That such members of the House as were of his Majesty's Privy-Council, be the said Committee, viz. The hon. Mr. Spencer Compton, Speaker; Mr. Robert Walpole, sir Joseph Jekyll, Mr. Methuen, Mr. William Pulteney, Mr. John Smith, Mr. Hampden, lieutenant-general Wills, and sir Robert Sutton. After this, upon another motion made by Mr. Robert Walpole, it was also resolved, to address his Majesty, for the several Examinations and Papers relating to Christopher Layer.

Jan. 16. Mr. R. Walpole, pursuant to the Address of the House to his Majesty, presented to the House several original Papers relating to Mr. Layer; and having delivered them in at the table sealed up, Mr. Shippen moved, That the packet be opened, and the Papers read. He was seconded by Mr. Jefferies; but Mr. Pulteney having represented, That as those Papers were to be a guide to the Committee appointed to examine Mr. Layer, it was improper to make them public before the said Examination was over; it was thereupon ordered, 1. "That the said Papers be referred to that Committee. 2. That the said Committee meet and sit at such time and place as they thought fit. 3. That three be the Quorum of the said Committee."

Debate in the Lords concerning the Printing of Layer's Trial.] Jan. 21. The earl of *Anglesea* took notice, That at the opening of this session his Majesty, in his Speech from the throne, had been pleased to acquaint both Houses with the discovery of a dangerous Conspiracy, which, for some time, had been formed, and was still carrying on, against his Majesty's person and government; that some of the conspirators had been taken up and secured, and that endeavours were used for apprehending others; that one of the principal plotters (Christopher Layer) having since that time, been tried and condemned, it was somewhat strange, that no particulars relating to the said Conspiracy had been yet communicated to that House, the rather because several of their members had been apprehended, and were still confined upon suspicion of being concerned in it: And therefore his lordship moved, "That the Judges of the King's-bench be ordered to cause the Trial of Christopher Layer, esq. to be forthwith printed and published, the same being first perused by the King's Counsel."

This motion was backed by the earls Cowper, Strafford and Aylesford, the lords Trevor, Ba-

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thurst, and Lechmere, who urged, "That there had been an extraordinary, and in their opinion, an unnecessary delay in the printing and publishing the said Trial, it being two months since Mr. Layer was tried, direction having been given to Samuel Buckley, for the speedy publishing of his Trial, so long since as the 27th of November last, as appeared by an Advertisement printed by authority in the Gazette: That no step having been taken for obtaining the justice due by the laws of the land to any of the other conspirators, the publication of the said Trial ought, in their opinion, to have been quickened, whereby the nation would have received such satisfaction, concerning the said execrable Conspiracy, as could be collected from the said proceeding; and the House have been enabled to make such use of it, as should appear necessary for the honour, interest, and safety of his Majesty and his kingdoms." To this it was answered by

The Lord *Carteret*, That the Order moved for was altogether unnecessary, directions having, long before, been given by the Judges of the court of King's-bench, for the printing and publishing of the said Trial with all convenient speed; that the said Trial being of a very large extent, and several parts of it, that were taken down in short hand, requiring a great deal of time to be put in order, and revised and rectified by the Judges, and the counsel on both sides, had occasioned the delay complained of; but that the printing of the said Trial being now in great forwardness, the same would be published in a few days.

Protest relating thereto.] His lordship was supported by the dukes of Argyle and Newcastle, and a question being stated upon the earl of Anglesea's motion, the previous question was put, That the said question be now put, which was carried in the negative, by 53 voices against 32.

"Dissentient'

1. "Because it appeared to us, on the debate of the main question, that there has been an unnecessary and affected delay in the printing and publishing the said Trial, it being full two months since Christopher Layer was tried; and direction having been given for the speedy publishing thereof, so long since as the 27th of November last, as appears by an advertisement, printed by authority, in the Gazette; and it having been allowed in the debate, that the delay was extraordinary, and no fact having been laid before the House sufficient, as we apprehend, to excuse such delay, we think, that the main question ought to have been put, as the only security, in our opinion, against any further neglect, and to prevent any imputation on the honour of the House for countenancing or conniving at such delay.

2. "This House having received no manner of satisfaction, since his Majesty's most gracious Speech from the Throne, touching the horrid Conspiracy therein communicated; and no step having been taken, for ought appears to us, either in Parliament, or elsewhere, for obtaining the justice due by the laws of the land to any of the conspirators (except the said Layer) though his Majesty was pleased to assure this House, in his Speech from the throne, that some of the conspirators were then taken up and secured; we think that the main question ought to have been put, whereby the publication of the said trial might have been quickened, and thereby the nation have received such satisfaction concerning the said execrable conspiracy, as could be collected from the said proceeding; and this House have been enabled to make such use thereof, as should appear necessary in their wisdom for the honour, interest, and safety of his Majesty and his kingdoms.

3. "Because we are apprehensive, that the delay in publishing the said trial may have contributed to create jealousies concerning the said conspiracy, and may have encouraged ill affected persons to foment the same, to the great prejudice of his Majesty's government; and as, in our opinion, the speedy publishing the said trial, if the same had been done, might have conduced to the prevention of those mischiefs; we also conceive, that the farther growth of them might have been checked, if the main question had been put, and carried in the affirmative.

4. "Because we think it of great consequence to his Majesty's service, that the publication of the said trial should have been made under the strictest security against any partiality or other abuse relating thereto; and therefore, we think, the main question ought to have been put, whereby the care and inspection thereof would have been lodged, by authority of this House, in the hands of the Judges, to whom it properly belongs; and its falling into any other hands not so proper, or not so immediately responsible to this House, would have been prevented.——(*Signed,*) Anglesea, Craven, Cowper, Bathurst, Aylesford, Gower, Osborne, Fran. Cestriens', Weston, Strafford, Hereford, Foley, Lechmere, Trevor, Ashburnham, Compton."

Debate in the Lords on a Motion for the Judges, Counsel, &c. concerned in Layer's Trial, to attend the House.] Then the lord Bathurst moved "That the Judges of the King's-bench should attend in their places on Thursday next, and that the King's counsel who were concerned in the trial of Christopher Layer, and also the counsel for the said Layer at the said trial, and Mr. Samuel Buckley, and the person or persons who took the said trial in short hand, should attend at the bar of this House at the same time." This motion was supported by the lord Lechmere, the earls of Strafford, Coningsby, Bristol, and Cowper; but was opposed by the lords Carteret and Onslow, and the duke of Newcastle.

Protest on the said Motion's passing in the Negative.] So that the question being put

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thereupon, it was carried in the negative, by 48 voices against 29.

"Dissentient'

1. "Because the House having resolved, that the question for ordering the printing the trial of Layer should not now be put, we are of opinion, that it is thereby made necessary, for the honour of the House, that the occasion of the delay should be inquired into; for without such inquiry, we are apprehensive, that the proceedings of this House may be misconstrued as tending to countenance such delay.

2. "Because we think it the right of this House to enquire into all neglects or abuses which concern the public; and though it was objected in the debate, that such inquiry might carry some imputation on the judges, or other persons concerned; we think that that objection may be equally assigned against all inquiries; but is inconsistent with the honour and dignity of the House, and ought not, as we conceive, to be put in the balance with the honour of the House and the public service, to which the question, in our opinion, has an apparent tendency.——*(Signed,)* Anglesea, Aylesford, Ashburnham, Fran. Cestriens', Brooke, Craven, Strafford, Compton, Weston, Lechmere, Gower, Trevor, Cowper, Osborne, Bathurst, Foley."

Debate on the Protest of Jan. 21, relating to the Printing of Layer's Trial.] Jan. 29. The Order was read, for taking into consideration the Protest entered in the Journal of this House upon Monday the 21st of this instant January; and the several Reasons in the said Protest being read, a motion was made, That it is a groundless assertion in the Protest entered upon Monday the 21st of this instant January, that it appeared in the debate, that there had been an unnecessary and affected Delay in the printing and publishing the trial of Christopher Layer; and the utmost indignity to this House to suggest that any question was necessary to have been put, for preventing an imputation on the honour of this House, for countenancing or conniving at such delay.

And a question being stated thereupon, it was proposed after the word 'Debate,' and before the word 'that' to add these words, viz. 'to the Lords who signed the said Protest.' Which being objected to, the question was put whether those words shall be made part of the question? It was resolved in the negative. Content 34. Not content 64.

Then it was proposed, after the word, 'question,' and before the words 'was necessary,' to insert these words, viz. 'in the opinion of 'the same Lords.' Which being likewise objected to, the question was put, whether those words should be made part of the question? It was resolved in the negative.

Protest relating to the said Protest.] Then the foregoing stated question was put; and it was resolved in the affirmative.

"Dissentient'

1. "Because, the assertion and suggestion in the Protestation intended to be censured by the Resolution are qualified as the amendments offered would have stated them, if admitted, by being restrained to the opinion of the Lords who signed the Protestation; but those restrictions are wholly omitted in the Resolution: And we are clearly of opinion, that if the assertion and suggestion had been set forth in the Resolution, as they stand in the Protestation, they could not have been censured with any colour of justice; but that the said omission being, as we conceive, of a circumstance extremely material, we think the censures contained in the Resolution are not applicable to the assertion and suggestion found in the Protestation, but to such as are of a very different nature.

2, "The restraining the assertions used in Protestations to the apprehension or opinion of the Lords protesting, where it contradicts the opinion of the House, is, as we conceive, so much of the essence of a Protestation with reasons, that of the great number of instances of such Protestations standing on the Journals of this House, not one would be found regular among them, if that due caution and respect to the opinion of the majority was omitted; and therefore it seems clear to us, that the like censure might be as justly passed on all the Protestations with reasons, that were ever entered, if they were recited and represented in the same manner as we conceive this to be. ——*(Signed,)* Brooke, Fran. Cestriens', Scarsdale, Cowper, Craven, Montjoy, Ashburnham, Trevor, Litchfield, Exeter, Guildford, Osborne, Hereford, Uxbridge, Strafford, Anglesea, Lechmere, Compton, Foley, Bathurst, Hay, Aberdeen, Gower, Bingley."

Farther Protests relating to the Printing of Layer's Trial.] Then a motion was made, "That the said Trial has been printed and published with as much expedition as the length and nature of the said Trial, and the careful perusal and examination thereof by the Judges, could admit of, and in as little time as has been generally accustomed in the like cases; and that it is an unjust insinuation that the authority of this House was wanting for lodging the care and inspection of the said Trial in the hands of the Judges, or that there was any danger of its falling into any other hands, or that the same had been under the direction of any others whatsoever besides the Judges." And a question being stated thereupon, it was proposed to leave out these words, "And that it is an unjust insinuation, that the authority of this House was wanting for lodging the care and inspection of the said trial in the hands of the Judges, or that there was any danger of its falling into any other hands, or that the same had been under the direction of any others whatsoever besides the Judges." Which being objected to, the question was put,

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whether those words shall stand part of the question? It was resolved in the affirmative, by 62 against 35.

"Dissentient'

"Because we conceive it to be contrary to the nature and course of proceedings in Parliament, that a complicated question consisting of matters of a different consideration should be put, especially if objected to, that Lords may not be deprived of the liberty of giving their judgments on the said different matters, if they think fit.——*(Signed,)* Scarsdale, Aberdeen, Exeter, Brooke, Osborne, Hay, Trevor, Anglesea, Cowper, Fran. Cestriens', Montjoy, Foley, Ashburnham, Strafford, Gower, Craven, Bathurst, Guilford, Litchfield, Lechmere, Bingley, Uxbridge, Compton, Hereford."

Then the main question was put, "That the said Trial has been printed and published with as much expedition, as the length and nature of the said Trial, and the careful perusal and examination thereof by the Judges, could admit of, and in as little time as has been generally accustomed in the like cases; and that it is an unjust insinuation, that the authority of this House was wanting for lodging the care and inspection of the said Trial in the hands of the Judges, or that there was any danger of its falling into any other hands, or that the same had been under the direction of any others whatsoever besides the Judges?" It was resolved in the affirmative, by 58 against 32.

"Dissentient'

1. "Because when a question was moved, on the twenty-first of this instant, in order to appoint a day for this House to inquire, if the printing Layer's Trial was dispatched with all proper expedition, or if not, where the fault lay; which would naturally have led us to have seen if it had fallen into any other hands than it should have done; though we thought it highly reasonable, the majority of the House then did not, and we were yet willing to have gone into the same examination; but we cannot conceive it to be fit or agreeable to the dignity or regular course of proceedings in this House to vote or resolve so many matters of fact, as are contained in this Resolution, without any examination at all, or any evidence given to support them, and which in their nature, we think, cannot be within the knowledge of any one lord present in the debate.

2. "As for the insinuation with which the protestation is charged by this resolution, we do not apprehend the protestation to be justly liable to that charge; but supposing it to be so, we cannot yet but be of opinion, that the permitting that matter to have been fully inquired into, would have been the properest and best method of preventing or answering that insinuation. —— *(Signed,)* Litchfield, Foley, Gower, Lechmere, Guilford, Scarsdale, Trevor, Bingley, Brooke, Strafford, Compton, Exeter, Craven, Cowper, Aberdeen, Hay, Uxbridge, Osborne, Anglesea, Fran. Cestriens', Montjoy, Bathurst, Hereford."

Protest relating to the Conspiracy.] Then a motion was made, "That this House, not capable of doubting of the truth of the traiterous Conspiracy communicated to them by his Majesty in his Speech from the throne, has ever since that time received very great satisfaction from some convincing proofs touching the same, and is firmly persuaded, that such farther satisfaction will be yet in due time given, as must render it impossible for any one to doubt thereof;" and a question being stated thereupon, after debate, the previous question was put, whether the said question shall be now put? It was resolved in the affirmative.

"Dissentient'

1. "Because to the best of our apprehensions, no part of the Protestation gave occasion for the putting of such a question; for it was, as we conceive, clearly admitted in the Protestation, that his Majesty's most gracious Speech from the throne had given satisfaction as to the truth of the conspiracy in general; and the excepting Layer's Trial therein did plainly allow, that the said trial had, as far as that went, opened the particulars; and yet the resolution, as we take it, carries with it an insinuation, that the Protestation had raised a doubt concerning the truth of the said traiterous Conspiracy; which insinuation is, in our opinion, entirely groundless.

2. "The said several Resolutions importing censures, as we conceive, on the said Protestation, and being not warranted by more than one precedent, that we can find, on the Journals of this House; and the liberty of protesting with reasons being an unquestionable right and essential privilege of the whole peerage, we are of opinion that the said Resolutions tend to discountenance and discourage the due liberty of protesting; and in that respect may be, as we apprehend, of dangerous consequence.—— *(Signed,)* Litchfield, Osborne, Guilford, Compton, Bathurst, Bingley, Hay, Montjoy, Brook, Fran. Cestriens', Craven, Anglesea, Foley Lechmere, Scarsdale, Aberdeen, Strafford, Hereford, Cowper, Uxbridge, Exeter, Gower."

Protest against the Number of Land-Forces for the Year 1723.] February 16. Report was made from the Committee of the whole House, of the Amendments made to the Bill for punishing Mutiny and Desertion; and the Amendment, in relation to the number of forces to be allowed, which was to specify that 16,419 effective men, and 1,815 invalids should be the number instead of all the forces then on foot, being read a second time, the question was put, whether to agree with the Committee in the said Amendment? It was resolved in the affirmative. Content 70, Not-Content 25.

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"Dissentient'

1. "Because, as we conceive, the keeping an army of regular troops in this kingdom, under martial law, consisting of a greater number than what we take to be necessary for the guard of the King's person, and defence of the government, is of the most dangerous consequence to the constitution of this kingdom; and, in our opinion, may bring on a total alteration of the frame of our government from a legal and limited monarchy to a despotic; and we are induced to be of this judgment, as well from the nature of armies, and the inconsistency of so great a military power and martial law with the civil authority, as from the known and universal experience of other countries in Europe, which by the influence and power of standing armies, in time of peace, have from limited monarchies, like ours, been changed into absolute: for which reason we cannot give our consent to this Amendment, whereby the present number of troops amounting in the whole (invalids included) to fourteen thousand odd hundred men (which we think abundantly sufficient for all good purposes) will be increased to near four thousand more, although there be at this time no ground to apprehend an invasion from a foreign enemy, or, as we believe, any insurrection or rebellion at home.

2. "Because that which seems to have given rise to this augmentation of the army, is the late treasonable conspiracy, which his Majesty at the opening of this session, acquainted his parliament with; and that conspiracy having been discovered above eight months since, and the farther detecting and punishing the conspirators having been ever since in the hands of a faithful and diligent ministry, we cannot think it at all probable the conspiracy should still be carrying on; or if any dregs of it should be yet remaining, that the government cannot be easily secured by a civil authority, assisted by so great a number of troops as are at present on foot; and therefore we cannot think ourselves justifiable to the kingdom (whose rights and privileges we are intrusted to preserve) had we given our votes for this augmentation of troops, when no evident necessity, or just occasion appeared to us for such an increase.

3. "Because the act passed this session, to enable his Majesty to apprehend and detain in custody any person (suspected of being engaged in any treasonable conspiracy) for above twelve months, though that power had never been granted to the crown before, for half that time at once (and that when there was an actual rebellion, or expected invasion) was so great a power added to the former authority of the crown, that we cannot but think it altogether sufficient to prevent any mischiefs from treasonable plots or practices, which may be be carried on by any rebellious or discontented persons, without increasing the army, which, in its present state, is not submitted to, but as necessary for avoiding a greater evil.

4. "Though the intended augmentation by this bill is intended only for one year, yet we fear this will be a means of continuing them in perpetuity; for we think it probable, there will, at all times hereafter, be easily found as good reasons for continuing this increase, as there is now for making it.

5. "Because we think the greatest, and only lasting security to his Majesty and his government, is in the hearts and affections of his subjects; and if the disaffection or discontents which have of late happened from some unfortunate proceedings, are thought by any to be an argument for raising more forces, we think it the duty of all good subjects, who wish well to his Majesty and our present happy establishment, to use their best endeavours for curing those discontents, by removing or lessening the occasions of them, and consequently that there should not be an augmentation of the army, which is already sufficiently burthensome to the subjects, both by the great charge of maintaining them, and by the uneasiness to the places where they are quartered; because thereby the charge to the subjects will be considerably increased, which, as we apprehend, ought most carefully to be avoided in our circumstances, when the load of taxes is already so very great, and the kingdom involved in so immense a debt, that nothing but the most prudent œconomy and good husbandry, can give us any probable prospect of easing it: and therefore not being convinced of any real or just ground for such increase of troops, do fear that this will not take away or lessen, but rather increase the discontents and disaffection of the people, and, in that respect, weaken his Majesty's government, in a greater degree than it will be strengthened by this addition of forces, allowing something for the possibility of false musters.——*(Signed)* W. Ebor', Powlet, Uxbridge, Aberdeen, Oxford, Scarsdale, Gower, Trevor, Compton, Strafford, Fr. Cestriens', Hay, Cowper, Osborne, Litchfield, Ashburnham, Foley, Montjoy."

REPORT OF THE COMMITTEE OF THE HOUSE OF COMMONS, CONCERNING THE PROJECT COMMONLY CALLED "THE HARBURGH LOTTERY."

Feb. 1. Mr. Hungerford reported, from the Committee appointed to inquire into the Project, called "The Harburgh Lottery,"* and all

* "The affair which occasioned the most talk, next to the Plot, was the Harburgh Lottery, which was brought before the Parliament this session. The lottery took its name from the place where it was to be drawn, the town and port of Harburgh on the river Elbe, within the King's German dominions, where the projector was to settle a trade for the woollen manufacture between England and Germany. The House of Commons having appointed a Committee to inquire into this and other lotteries, then carrying on in London, it was represented in their Report, That the scheme pro-

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other foreign Lotteries, now carrying on in the city of London, the matter, as it appeared to them; and he read the same in his place; and afterwards delivered the Report in at the clerk's table: Where the same was read; and is as follows; viz.

"That the said Committee have, with the utmost diligence, endeavoured to find out by what authority, and by virtue of what instruments, the said Lottery was erected; in order to lay the same before the House; and to make the said Lottery, and the management thereof, the more intelligible: but the Committee, finding they should meet with great difficulties in obtaining such instruments; and the more, for that one of the persons, who, as your said Committee was informed, was capable of giving your Committee a very material account of the creation of the said Lottery, was withdrawn; and your Committee being unwilling to enter into the examination of any instruments, or writings, which might be interpreted to be part of his Majesty's German administration: have contented themselves to lay only before the House the printed copy of the Scheme of the said Lottery, with some Remarks thereon; and the Examinations of witnesses, *viva voce*, relating thereto:

"That the Scheme proposes, that 1,500,000*l.* Sterling, or 16,500,000 guilders, should be subscribed; and that it was to be drawn at Harburg in five Classes, 100,000 tickets being to be drawn in each class, at 3*l.* per ticket; and that every person subscribing was to pay 12*s.* or 6 guilders, for each ticket, before the drawing each class of the said Lottery:

"That 200,000*l.* of the 300,000*l.* in each class, was to be divided in lots to the fortunate adventurers; which amounts to 1,000,000*l.*; to be deducted out of the whole sum which was to be paid to the fortunate adventurers.

"It will be necessary, in order to inform the House how the other 500,000*l.* was to be disposed of, to acquaint them with such knowledge as the Committee could gain of the nature and establishment of the company; not being able to see the instruments by which it was granted.

"It appeared to the Committee, That a sum of 1,000,000*l.* was subscribed for, to carry on a trade between Great Britain, and his Majesty's German dominions; and that 2 per cent. was agreed to be paid in upon the stock so subscribed; of which, a sum of 13,000*l.* or more was actually paid in money; and 7000*l.* or more, was secured by notes; 400,000*l.* whereof was subscribed for at first: and 1,000,000*l.* stock was sold at 15*l.* 3*s.* per cent.: of which 2 per cent. only was paid in to the company; and the rest disposed of as follow; viz. 13*l.* 3*s.* per cent. which amounted to 13,150*l.*; 10,000*l.* of which was given to Mr. Nicolai, and 3,150*l.* to Mr. Joules,

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posed, that 1,500,000*l.* sterling, or 16,500,000 guilders, should be subscribed; and that it was to be drawn at Harburgh, in five classes, 100,000 tickets to be drawn in each class, at 3*l.* per ticket; and that every person subscribing was to pay 12*s.* or six guilders for each ticket, before the drawing each class of the lottery. That 200,000*l.* of 300,000*l.* in each class, was to be divided into lots, to the fortunate adventurers, which amounts to 1,000,000*l.* to be deducted out of the whole sum, which was to be paid the fortunate adventurers. That a sum, of 1,000,000*l.* was subscribed for, to carry on a trade between Great-Britain and his Majesty's German dominions; and that 2 per cent. was only paid in upon the stock so subscribed: of which a sum of 13,000*l.* or more was actually paid in money, and 7000*l.* or more was secured by notes; 400,000*l.* whereof was subscribed. At first, 100,000*l.* stock was sold at 15*l.* 3*s.* per cent. of which two per cent. was only paid in to the company, and the rest disposed of as follows; 13*l.* 3*s.* per cent. which amounted to 13,150*l.* 10,000*l.* of which was given to Mr. Nicolai; and 3,150*l.* to Mr. Benjamin Joules, for their services: And as to 13,000*l.* paid in money, and 7,000*l.* in notes, the Committee could get no account what was become of it, not being able to see their books; nor could the committee learn what number of tickets had been delivered out, or what money thereupon had been received, or what was become of what they had received. That with regard to the disposition of the other 500,000*l.* 5 per cent. upon 1,500,000*l.* which amounts to 75,000*l.* was to be deducted for management; which being taken out of the said 500,000*l.* leaves 425,000*l.* which sum was to be incorporated into the stock of the first company, and to make a part of a capital of 1,500,000*l.* as the Committee apprehended, of which they could get no positive information. But whether the former capital was intended to be so great, or only to consist of this 425,000*l.* and the 1,000,000*l.* which was before subscribed, it appeared to the Committee, that a plain fraud was intended in joining this real sum with an imaginary subscription: of which 2 per cent. only was paid in or secured, and that probably embezzled.' The trustees of this lottery were twenty; some of whom were in Germany; the rest, who were in England, were the lord Barrington, sir John Hartop, Charles Frederick Krenbergh, John London, Fiennes Harrison, Peter Hartop, William Squire, Edward Richier, John Caswal, William Sterling, Benjamin Smith, Benjamin Burroughs, John Thompson, Henry Bendish, —— Foster, Benjamin Joules, and John Manley. But several of them resigned their trust immediately, being dissatisfied with the scheme; for, when sir Thomas Webster, sir Charles Wager, and lord Barrington waited upon lord Townshend, lord Carteret, and Mr. Walpole, they were told, that an English charter for the advantage of the Lottery could not be granted, because it was illegal and impracticable." Tindal.

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for their services: And as to the 13,000*l.* paid in money, at 2 per cent. for stock, as aforesaid, and 7,000*l.* in notes, the committee could get no account of what was become of it; not being able to see their books: Nor can your Committee learn what number of tickets have been delivered out, or what money thereupon has been received, or what is become of what they have received.

"The Committee thought it necessary to lay this matter before the House, to inform them what was to be done with the other 500,000*l.*

"In the first place, 5 per cent. upon 1,500,000*l.* which amounts to 75,000*l.* was to be deducted for management; which, being taken out of the said 500,000*l.* leaves 425,000*l.*; which sum was to be incorporated into the stock of the first company, and to make a part of a capital of 1,500,000*l.* as they apprehend; of which they could get no positive information: But, whether the former capital was intended to be so great, or only to consist of this 425,000*l.* and the 1,000,000 which was before subscribed; it appears to us, that a plain fraud was intended, in joining this real sum with an imaginary subscription, of which 2 per cent. only was paid in, or secured; and that, probably, embezzled:

"As to the further particulars of the Lottery; the Committee beg leave to refer to the printed copy of the Scheme, which is hereunto annexed (No 1.)

"And, in order to inform the House more fully of the subject matter of the said Lottery, the Committee have thought fit to lay before the House the most material parts of the examinations themselves: Which are as follow: viz.

"Mr. *Benjamin Joules* informed your Committee, That, he the examinant, had not the written scheme of the Harburgh Lottery; for that Mr. Ridpath, who is secretary to the said Lottery, has all the writings and accounts relating thereto; but that he had a printed copy of the scheme of the said Lottery, which he delivered to the Committee, and is hereunto annexed; and said, He takes it to be a true copy of the written scheme; which, as far as he knows, has been always in Ridpath's hands; That, in the 6th Article of a charter for commerce, granted by his Majesty as duke and elector of Brunswick, there is a grant given for setting up a Lottery; which grant was made to several gentlemen, in trust for the benefit of the examinant: That he has seen the original charter: That it bore date about the latter end of November 1720; and that it specifies the Lottery to be drawn at Hanover: That the grant of the Lottery was made to the examinant, about this time 12 months: That, when sir Thomas Webster proposed to make the examinant recompence for his said right in the charter, as to the grant of the Lottery; sir Thomas said, That they were agreed to give the examinant a gratuity, and offered him 10,000*l.*; and the examinant made answer, He would leave it to them; and did accept of the 10,000*l.* for assigning his said right; which assignment was made to several persons, in trust for the company: That there were 5 classes in the said Lottery; and that he was to receive the 10,000*l.* at 5 several payments, at 2,000*l.* each payment, before the drawing each class of the said Lottery: That the payment of the money is secured to the examinant, by articles in writing, bearing date the 16th October 1722, which he delivered to the Committee, under the hands and seals of the persons, to whom the profits of the Lottery are conveyed, in trust for the company; and that it appears thereby, that the examinant was to be paid the 10,000*l.* as before-mentioned; That it likewise appears, by the recital of the said articles, that the profits of the said Lottery, which are purchased of him for the sum before-mentioned, was by an agreement made at Hanover, bearing date the 14th November 1720, N. S. previously granted to the said examinant Benjamin Joules:

"Being shewn one of the tickets of the said Lottery, No 17, M. 211, to which the examinant's name is printed as treasurer: Said, That the tickets were issued by his privity and consent; and that he believes, they were not delivered out numerically: That he is not treasurer to the trustees for the Lottery; for that they act themselves as treasurers, alternately, in manner following; viz. That there are two iron chests; and that two of the trustees have each of them a key, and the secretary has another; and that the trustees deliver over their keys to the next that wait, and then they are answerable no longer: That the two trustees and secretary, when in waiting, had it in their power to take out the effects, that were in those chests: That there are 20 trustees; but some of them are in Germany; and those that are here now, are lord Barrington, Wm. Sterling, sir John Hartop, Benja. Smith, Chr. Fred. Kreinberg, Benja. Burroughs, John London, John Thompson, Fiennes Harrison, H. Bendish, Peter Hartop, —— Foster, Wm. Squire, Benja. Joules the examinant, Edward Richier, John Manley, John Caswall: That every one of the said trustees have accepted the trust, except Mr. John Manley, Mr. Henry Bendish, and Mr. Foster, by signing the counterpart of the assignment of the Lottery: but that lord Barrington, sir John Hartop, and Mr. Henry Bendish, never acted: That he believes, That all the trustees he has named, who have acted, have had the keys of the chests: That there were to be printed 500,000 tickets; and the examinant believes most of them are printed: and that they are printed upon Tower-hill; and that the examinant believes, Mr. Billingsley did agree for the printing them; That the tickets were brought to the York-buildings house, and locked up in the iron chests by the said trustees, who deliver them out, and receive the money for them. That he does not know what number of tickets have been issued out, nor what sums of money re-

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deived for tickets delivered, for that he never saw any account of it: That he believes, Mr. Ridpath keeps the account of the money received: That if the Lottery should take place, the stock would be worth 29 per cent.: That the whole stock is called 1,500,000*l.* stock; and that it was as large before the new proprietors came in: That 2 per cent. is paid in upon 1,000,000*l.*; in money, 13,000*l.*; in notes, 7,000*l.* which were paid to the examinant as treasurer to the company.

"Being examined by what authority he was treasurer, said, he was appointed treasurer by the Charter of the King, and that his name is in the warrant of the king as treasurer: Being asked, how he came to take notes; declared, he received orders from some of the directors to take them; and that the notes are some of their own: That the notes are in the custody of Ridpath; for that he, the examinant, has accounted with the Company, and delivered the account to him the said Ridpath.

"Mr. *Geo. Ridpath*, Secretary to the Trustees for the Harburgh Lottery, being examined as to the scheme of the said Lottery, said, That the calculations of the Lottery agree with the scheme that was approved by his Majesty: That there is a power to erect a Lottery by the 6th article of a charter granted by his Majesty, which was in order to clear the river Elbe: That he cannot be positive who formed the Lottery; but that he has heard, that Mr. Billingsley formed the scheme of it:

"Being asked, who was the person that first handed the scheme to the examinant; said, that he saw it in company, but cannot tell who brought it to the company: that lord Barrington, and some others, were then present; and that it did appear to have his Majesty's Sign Manual, and seal of the Electorate, when it was first handed to the company, as a company; but that the examinant, previous to that, saw the scheme in the hands of Mr. Billingsley, whom he takes to be chief projecter; and that he is not certain it was the same scheme as is printed; and that, then, it neither had his Majesty's Sign Manual, nor the Privy-Seal of the Electorate; That, when this scheme was projected, the profits of the lottery were Mr. Joules's, by an agreement made at Hanover, for which he was to clear and deepen the river Elbe: and that lord Barrington, sir Alexander Cairnes, Mr. Nicolai, Mr. Alderman Baylis, Mr. Fiennes Harrison, and Mr. Mount, made that agreement with him; which was confirmed by the company, *nem. con.* and is entered in the minutes: that Mr. Joules petitioned his Majesty for an order to issue the Lottery; but that it was previously granted to him by a vote of the company: That, since he was Secretary, there has been minutes kept, which is since the charter was granted for the Commerce Company, in which there is a power to erect a Lottery:

"Being desired to produce the charters, books, and papers, relating to the Lottery; said, That he has not his Majesty's leave to produce them; and desired the Committee would not put him upon difficulties: Being again asked Whether he would not deliver the papers; said, that he was very willing to deliver the papers, if it was not for the difficulties he has before-mentioned; and that he is afraid those difficulties extend to all the papers, as well the deed that conveys the profits of the Lottery to Joules, and the minute-books, as the charters:

"The Abstract of the scheme of the Harburg company's Lottery for 1,500,000*l.* sterling, or 16,500,000 guilders, in the Flying-Post, from Tuesday November 13th, to Thursday November 15th, 1722 (which is the same as that hereunto annexed, N° 1.), being read to the examinant, said, that it was printed by his direction; and that the scheme in the same, to the best of his knowledge, agreeth with that which is signed by his Majesty; and that the warrant, and approbation of the scheme, recited in the said abstract, are signed at St. James's, as mentioned in the said paper:

"The Advertisement, relating to the Harburg Lottery, in the Flying-Post, from Tuesday December 4th, to Thursday December 6th, 1722 (which is hereunto annexed, N°. 2.), being read to the examinant; he declared, That he believes he sent it to the printer's: That he drew the advertisement himself, and afterwards shewed it to several gentlemen; and particularly, as he believes, to Mr. Burroughs and Mr. Squire, who are trustees and directors, at a meeting at the York-Buildings-house: and that it was not ordered either by a court of directors, or the trustees:

"Being asked, What was meant by these words, part of the advertisement, 'as will convince their enemies, or rather those of his Majesty, and the trade of the nation;' said, That those that are enemies to his Majesty, have opposed the Lottery: That the examinant believes the tickets were printed at Tower-hill; and that the examinant never heard, that any of them were printed at Hanover, or Harburg: That the persons that are appointed agents to deliver out the tickets, were nominated by the acting trustees; who are Mr. Burroughs, Mr. Caswall, Mr. Squire, Mr. Thompson, Mr. Richier: That there are some of the trustees at Harburg; but that no Committee of them have met there; nor has there been any orders or directions, sent from them, that this examinant knows of: That abundance of gentlemen have subscribed for tickets, to the amount of about 100,000 tickets; which they are to pay for, when they take the tickets out; and that there was a commission sent lately, from a gentleman in France, for 1,000 tickets: that he cannot tell how many are delivered out; for that the trustees keep the accounts, and have the books now in their custody: that the examinant has heard, they have received about 100*l.* for tickets:

"The examinant, being further examined, said, That lord Barrington did not give him directions to publish the abstract of the scheme

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in the Flying-Post, of 13th November, nor any of the advertisements now shewn to the examinant: That the Lottery has been under the consideration of several meetings of directors, and general meetings of proprietors; and that it has had their approbation in general: That he do not remember he ever heard any one, at any one meeting, complain of the Lottery, as taking too much from adventurers, and giving too much to the proprietors of the stock:

"Being asked, Whether there was ever ten votes against the Lottery? said, there was not half ten: That the last general meeting ordered, that endeavours should be used to fill the Lottery with all possible speed; and that all the deputy-governors, and directors, were summoned to that meeting; and that it was then also agreed, that endeavours should be used to obtain an English Charter for trade; but that he never heard, that any application was designed to be made for a charter for a Lottery: that there are minutes taken of the order to apply for an English Charter:

"Being asked, Whether he has ever heard the Lottery or the Company by which the Lottery is granted, treated as a bubble by those that are concerned; said, That he has heard it so treated by Mr. Hope, and sir Thomas Webster; the last of whom declared, at a meeting of directors, he would wash his hands of it; and that what made it a cheat was, that there was no English Charter granted: That the stock will be worth, according to the calculations he has seen, 29 per cent. if the Lottery is full; but, if not, the value will decline, in proportion to the number of tickets that are not sold: That he has heard it treated as a thing for the benefit of the trade of Great Britain: That the sub-governor, deputy-governor, and directors, have no salaries, or other allowances, under this Charter:

"Being asked, Whether Mr. Joules is treasurer; said, that he is not sole treasurer for the Lottery; for that the trustees, of whom he (Mr. Joules) is one, act as treasurers:

"Being asked, How it comes that the tickets are printed in his name, as treasurer; said, that he is appointed treasurer, for life, by his Majesty's patent; and the tickets are ordered to be printed, in the name of the treasurer, by warrant of his Majesty; but that, some of the gentlemen not liking Mr. Joules, there is an order made in the minutes, that he should not receive any money, till he has paid the Company what he owes them: That the trustees would not permit him, alone, to receive any money; but receive it themselves: That the money that was to be received for the tickets, was to be lodged in the Bank of England, and at the treasury chamber at Hanover; and that the charter gives the directors a power of meeting either at Harburg, or in England:

"Being asked to produce the minutes relating to the application for the English Charter; and also the minutes that were made, for Joules not to receive any money, as before-mentioned; said, That they are in the same book as the minutes relating to the foreign charter; and that he has not those minutes now in his custody; for that they were locked up by the trustees, since he was ill: That the patents, warrant, and minute-book, were locked up yesternight: That he did not see them locked up; for that they lay in the room where usually the directors meet: That several trustees were there that afternoon; and particularly, Mr. Squire, Mr. Burroughs, and Mr. Richier: That the examinant supposed Mr. Squire either locked them up himself, or the messenger, by his direction: Said, That the reason he gave for so doing, was to clear the room; and that neither Mr. Squire, or the messenger, knew what papers they were:

"The Examinant owned, That he did acquaint them, before they locked up the papers, that the Committee had sent him notice, in writing, that they would examine him the next day:

"Being asked, Whether the directors did not take any oath; said, that there are oaths prescribed by the charter, but not taken; for that they cannot administer them here, except they had an English Charter."

"Mr. Ridpath, having attended the Committee, the last day of the Committee's sitting, since his said examination, was desired to produce, or leave with the chairman, the minutes relating to the application for the British Charter: Which he accordingly has sent to the chairman; and the same are hereunto annexed, No. III.

"Mr. *Nath. Brassey* said, That, in 1720, a project was going on for a charter for a manufacture company: That there was a letter of attorney made, in order to give a power for persons to subscribe for the stock of that company at Harburg; and 400,000*l.* of that stock was subscribed for at 2 per cent.; and 100,000*l.* stock was sold at 15*l.* 3*s.* per cent.; whereof 2 per cent. only was paid to the company, as the examinant has been informed:

"That, afterwards, several gentlemen went over to Hanover, endeavouring to obtain a charter for commerce, which was to be united with the manufacture charter; and that there was subscribed 2 per cent. for 540,800*l.* or thereabouts, of the stock of that company: That, when they were returned, gentlemen were called together, and were informed of the benefits that would arise by the aforesaid charter: That, some time after, the examinant went, with sir John Hartopp, Mr. Bendish, Mr. Richier, Mr. Henry Cairnes, Mr. Joules, and Mr. Ridpath, to Baron Bothmore, to solicit the warrant for a Lottery; of which the scheme, now shewed to him, the examinant, is a copy:

"That, when he heard the Lottery was to be granted to Mr. Joules, the examinant applied to Baron Bothmore; who told the examinant, That a private Lottery was asked for, but would not be granted; that, though this Lottery was granted to Joules, it was intended for the sole benefit of the company:

"That, after the warrant for a Lottery was obtained, the scheme was laid before the exa-

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minant, and some others, at a meeting, as directors; who desired, of lord Barrington, to see the warrant; but could not obtain their requests: That the examinant did not only object to the scheme itself, as not being a fair adventure, but did disapprove of it, and declare, he would not come into it; because lord Barrington told them, at that meeting, that 75,000*l.* was to be given for the management of the Lottery; and proposed, that 75,000*l.* more should be given to Mr. Joules, for resigning his right of the Lottery to the company, and for making the Port at Harburg:

"That the Examinant had a further objection to it; because it was offered, by Mr. Alderman Billers, to be managed for 20,000*l.* instead of 75,000*l.* provided he, Mr. Billers, could think the scheme fair; and the reason that was given, by lord Barrington, not to accept of that offer, was, that 75,000*l.* was settled, by his Majesty's approbation of the Lottery, for the management thereof; and, as it was so settled, it must so remain, and the company could have it upon no other terms: Said, That when the trustees for the Lottery were named to the directors, lord Barrington said, That he believed, that some gentlemen, who were there present, were uneasy that they were not made trustees for the Lottery; and said, That those who had attended constantly, if they would come into the scheme, need not be uneasy; for they should have 200*l.* apiece, if they would agree to it: That lord Barrington offered the money; but that they refused it, and declared, they scorned to take money upon any such terms: That the offer was made by lord Barrington, in a little room, at Haberdashers hall; where were present Mr. Cresnor, Mr. Billers, and several more, that were not trustees: That the examinant said, he was in that room, from the first of the meeting; for that he had some conversation with Mr. Cresnor: That, at the last general meeting the examinant was at, it was concluded, that Mr. Joules should have 10,000*l.* for conveying his property in the Lottery to the company; but that it was not to be paid out of any part of the 75,000*l.* which was to be given to the trustees, for the management of the said Lottery:

"That the Examinant asked, Whether, if the whole 75,000*l.* was not expended in the execution of the Lottery, the remaining part of the money should not go to the company: He was told, by lord Barrington, That a great deal of that money was to be given to private uses: The examinant desired to know what those private uses were: Lord Barrington told him, it was not convenient for him to know, and he should never know:

"Being asked, whether he ever saw the approbation of the scheme of the Lottery; said, That he desired to see it; but was denied to see it, by lord Barrington: That he could never get sight of the Company's books; and could never see any accounts, but upon scraps of papers: That the examinant takes it, that the accounts and papers lay under the immediate direction of the sub-governor, who is lord Barrington: That when they asked for any books, or accounts, they were told by lord Barrington, It was not proper they should see the accounts of the commerce-charter, and they should not: That there was a balance of an account brought from the manufacture company to the united company, which he saw; but, as to the account of the 100,000*l.* stock, that was sold at 15*l.* 3*s.* per cent. by lord Barrington's order, as Joules has informed the examinant, he could never see it: That he asked lord Barrington to see the last-mentioned account; and his lordship told him, that he should not see it: The examinant, having been informed by Joules, that 10*l.* per cent. of the 100,000*l.* stock sold at 15*l.* 3*s.* per cent. was to be applied to private uses, did apply to lord Barrington, to see the account of that money; and his lordship told him, it was not convenient he should, and he should not: That the reason of their pressing to see the accounts was, because they apprehended Joules was deficient in the money he had received: That Joules told the examinant, That he had orders to buy, at Harburg, a pretty large quantity of stock, which he bought of lord Barrington: That there was a note of 1,500*l.* which lord Barrington had given to Joules, for part of the 2 per cent. that had been subscribed for stock; and that Joules had delivered that note up to lord Barrington, in part of payment for the stock he bought of his lordship: That the examinant don't know what quantity of stock Joules bought, or at what price it was sold: That Joules told the examinant, he was ordered to buy that stock by doctor Calamy: said, That the examinant, and others, were told very frequently by lord Barrington, that an English charter was promised, and would certainly be granted: That, he believes, there was a resolution, at a meeting of directors, to lay the scheme before the general court:

"Being asked, Whether it was not reported, at a general meeting, that the scheme was agreed to, *nem. con.* said, That he cannot recollect minute circumstances; not having had the opportunity to see the minutes, to refresh his memory: that he does believe it could not be agreed to, *nem. con.* for, to the best of his remembrance, he did declare, in the general court, that he was against it, at the meeting of directors.

"Mr. Alderman *Baylis*, being shewn the printed Scheme of the Lottery, hereupon annexed, said, That there was a scheme opened by the lord Barrington (he cannot speak certainly as to the time), at a meeting, where lord Barrington and others were assembled; which, he believes, is the same as that now showed to him:

"Being asked, whether he remembers he did disapprove of that scheme; said, he believes he might then say, he could not understand some of the particulars, they never having been communicated to him; but that, in general, it appeared so unfair, that he was against it; and

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especially, because there was to be a deduction of 5 per cent. upon 1,500,000*l.* to be raised by the Lottery; which amounts to 75,000*l.* to be given to those that are trustees of the Lottery: That, a day or two after, there was a general meeting at Haberdashers-hall; where lord Barrington did again open the said Scheme for a Lottery; which, his lordship said, was agreed to by all the directors, *nem. con.* and the examinant objected to it, as not being agreed to by all the directors; for that he neither had nor could give his consent to that scheme; and that then lord Barrington called out to the rest of the persons assembled there, and said, he hoped they would not suffer him to be so treated by the examinant:

"That, some time after, when sir Thomas Webster and sir Charles Wager acted as deputy governors, the examinant heard there was application making to the English ministry, to get an English charter; and that notice was given to the examinant, to meet lord Barrington, and those two gentlemen, at some English minister's house; but he could not go:

"That, afterwards, the examinant was at a meeting of directors; at which were present sir Thomas Webster, and, as the examinant believes, sir Charles Wager; and sir Thomas told the examinant, That upon the application aforesaid, an English charter could not be obtained; and that there had been a Resolution come to; which was, to disapprove some notice that was published of a Lottery; and to signify, that the same was not published by the approbation and consent of the directors; To which Resolution the examinant immediately gave his assent: That at the next meeting the examinant was at, at which lord Barrington was present, the aforesaid Resolution was read; and it was debated; and afterwards the major part of the directors present came to another Resolution: which was, to quash the former; against the consent of the examinant: That, upon this, the examinant insisted, That there should be a general meeting of proprietors forthwith called, to acquaint them, That an English charter had been refused, that the people might not be drawn in: Being asked, Whether lord Barrington did not give his consent to call that general meeting; said, He did; and the examinant believes, a general meeting was called; at which general meeting the examinant was not present; nor has he been at any other meeting since.

"Mr. Alderman *Billers*, being shewn a print-Scheme of the Lottery, hereunto annexed, said, That he had a Scheme, the same as that sent to him by Mr. Ridpath; but that he never took out a ticket, nor saw one, till he came to the Speaker's chambers: That, as soon as he understood, that 75,000*l.* was to be given to the managers, he desired to know of lord Barrington, how the money was to be disposed of; who told the examinant, That there would be great expences in going over to Hanover; and that 30,000*l.* was to be given to the person that made the Scheme: The examinant was surprised, that so great a sum was to be given to the person that made the Scheme: At which his lordship said, he would not have him so much surprised; for that he had been asked 40,000*l.* for a worse: And said, He believed that the examinant's dislike to the Scheme was, because he was not a trustee; but he hoped to live to see the examinant a trustee: That the examinant found a paper of minutes, which put him in mind, that lord Barrington had told him, That the Lottery was to be given to the company gratis; which made him say to his lordship, What! is this given gratis, when 30,000*l.* is to be given to the person that made the scheme? His lordship made answer, That the examinant might suppose, that it was not all for the scheme: Being asked, Whether he was not at the court of directors, when lord Barrington reported the scheme; Said, He might be there; and, if he was, he was against it; That he had declared so much against it, that, for several months past, he has not been summoned to attend any one court: That 500,000*l.* of the profits of the Lottery was to be put upon the whole stock, except 75,000*l.* part of the profits which were to be deducted for the managers.

"Mr. *Moses Raper*, being shewn a printed Scheme of the Harburg Lottery, hereunto annexed, said, That he had such a Scheme sent to him; and that there were some observations made upon it; which he sent, by Mr. Simons a bookseller, to Mr. Read, in order to be printed; and Mr. Simons came to the examinant, in a hurry; and brought the examinant the following letter; and the examinant was obliged to promise the printer to indemnify him, before he would print the said observations:

London, 26th Oct. 1722.

'Sir;—There being an advertisement in yesternight's St. James's Evening-Post, relating to the Harburg Lottery,' and a promise of a 'Scheme of the gain and loss of the said 'Lottery, to be inserted in the Weekly Journal, 'or British Gazetteer, of Saturday next:— 'You are desired to take notice, That no reflections upon the said Lottery which is approved by his Majesty, under his sign manual, 'or privy seal be inserted, in the Weekly Journal, or British Gazetteer, or any other paper 'wherein you are concerned; as you would 'avoid prosecution, besides the loss you may 'sustain by the company's not advertising in 'your papers. By order of the trustees appointed by his Majesty, from, Sir, &c. GEO. 'RIDPATH, secretary to the Harburg Company 'and Lottery.

'Directed to Mr. Read, Printer, White-Fryers.'

"Said, That lord Barrington told him, the examinant, That the King had promised to grant a British charter; and that it would be obtained; and that they could not act as directors well without it:

"And the examinant spoke to sir Thomas Webster and sir Charles Wager about it; who told the examinant, That they, together with

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lord Barrington, had waited upon lord Townshend, lord Carteret, and Mr. Walpole; who told them, at that time, That an English charter, to the advantage of the said lottery, could not be granted, because it was illegal, and impracticable; Sir Thomas Webster likewise told the examinant, That lord Barrington desired, that the ministers refusing to grant an English charter, should be kept as a secret; upon which sir Thomas Webster immediately ordered Ridpath to call the directors together, that he might acquaint them, That they were to have no English charter:

"The examinant asked sir Thomas, Why it was to be kept a secret: He said without an English charter the Lottery was a cheat; and therefore he would have nothing more to do with them: The examinant said, That his objection to the Scheme of the Lottery was, That, after 1,500,000*l.* was raised on the said Lottery, one third of the stock was to be given to the old proprietors; 1,000,000*l.* of the money so raised, was for the fortunate adventurers; out of the remaining 500,000*l.* 75,000*l.* was to be given to the trustees, for management of the said Lottery; That the sum the present proprietors of the stock of the Harburg company would have gained from the adventurers in the Lottery, added to the 75,00*l.* makes 210,000*l.* which will more fully appear, by the calculation hereunto annexed, No. 4:

"That he desired lord Barrington to see the accounts of the money paid in upon the stock; and his lordship would not let him: Said, That 100,000*l.* stock was sold at 15 per cent. for the benefit of the company; and that he was told it was never brought to an account; for that he asked sir Tho. Webster, and sir Thomas said, That he never saw any account of that stock.

"Mr. *Andrew Hope* said, That there was a clause in the charter for a Lottery; and that the Lottery was talked of in June, or in July, 1720, or before: that the first subscription was 500,000*l.*: that when 400,000*l.* was subscribed and 100,000*l.* was to be sold, he was unwilling to buy any of the stock that was to be sold; but Joules told the examinant, That, if he would not, others would; and thereupon he bought 10,000*l.* of it, at 15*l.* 3*s.* per cent. That he asked Joules, what was become of the money: he said, That lord Barrington and sir Alexander Cairnes had it: that the examinant asked lord Barrington, whether he should not know what was become of it: and lord Barrington said, It was not fit he should know, and he should not:

"Mr. Andrew Hope, being further examined as to Joules saying, that lord Barrington and sir Alexander Cairnes had the money for the use of the company, for the 10,000*l.* stock the examinant bought of Joules; Said, That Mr. Joules told him, That he had 100,000*l.* stock to dispose of, by lord Barrington's and sir Alexander Cairns' directions; and that he received the money for them, as treasurer of the company: that he believes nothing was done, but by their order: That Joules told the examinant, That he had their order for selling that stock at North's coffee-house, Fountain tavern, and at Surgeons-hall; at which several places, he believes, were present Mr. Cairns and Mr. Richier. That he applied to lord Barrington to see the accounts of the money arising from the sale of the 100,000*l.* stock; and that he was than a director; and that lord Barrington said, he should not see the account: that the reason of his asking his lordship to see it, was, because he had never seen any account of that money; and that he apprehended his lordship had all the accounts in a bag, which he brought, and carried away with him again: That he asked lord Barrington to see the account, at a meeting of directors at Blackwell's coffee-house; and that he spoke it to his lordship himself: That the 10,000*l.* stock cost him above 1,500*l.* and that there was no book to which his name was put for the stock: that then there was only 2 per cent. paid in upon 400,000*l.* stock, or thereabouts, and he was to be upon the same foot with them; and have no other advantage upon the 10,000*l.* stock: Said, That Mr. Lloyd bought 30,000*l.* part of the 100,000*l.* stock, at 15*l.* 3*s.* per cent.; and that the said Lloyd sold some of it again for 80, 60, and none under 20 and 30 per cent. and some of that at 20 and 30 per cent. was sold to one Richard Jackson: That there was no transfer made of the stock, nor any receipt given: That lord Barrington had often declared to the examinant, at several meetings of the directors or trustees of the Lottery, that an English Charter was promised, both by the king, and the ministry.

"*John Christian Nicolai*, being examined as to the sale of the 100,000*l.* stock. at 15 per cent. and the 10,000*l.* paid him, the said Nicolai, by Mr. Joules; said, That Joules sold 100,000*l.* stock for 15,000*l.* and that he did not receive of Mr. Joules any more than 8,800*l.* the most part of which the examinant laid out in South-Sea Subscriptions: that he, the said Joules, was ordered to give the examinant 10,000*l.* as a present, he having been concerned in that affair ever since 1716, and travelled several times to Hanover: That the examinant asked Joules for the 1,200*l.* remaining part of the said 10,000*l.* and he said, He would pay it to him: That sir John Fryer and lord Barrington ordered Joules to make the examinant the present of 10,000*l.* and that he received it as a present, for his own use and advantage, for the trouble he has had, in that affair, within these four years: That, by one of the articles in the charter of his Majesty, a Lottery is granted: that some persons made a motion, That the management of the Lottery should be assigned to some one particular person; which the examinant and Mr. Baylis was against; but that the other persons concerned thought fit to convey it to Mr. Joules.

"Mr. *Benjamin Joules* being again examined as to the 100,000*l.* stock of the Harburg company being sold at 15 per cent. either for the use of the company, or any other person; said,

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That it is true, that he sold 100,000*l.* at 15*l.* 3*s.* per cent.; and that Benjamin Smith, one of the trustees, was one of the first persons with whom that affair was transacted; who desired to have 10,000*l.* of that stock of the examinant; and told him, He would give him 300 guineas: The examinant said, He was so generous, he would not make any demand: That Mr. Smith acquainted Mr. Thomas Browne of it; who desired he might have 30,000*l.* or 40,000*l.* of the stock; and then, it being come to be known, Mr. Andrew Hope desired 30,000*l.*; Mr. John Lord and Mr. Bracey desired 30,000*l.*: That they gave the examinant earnest for it; and made him give them a note to deliver it to them: That he desired them to part with some of it; for that, if they did not, he could not make good his promises to other people; but none of them would: That 2 per cent. upon the 100,000*l.* was paid to the company; which is 2,000*l.*: That 3 guineas per cent, which is 3,000 guineas, the examinant received for his own use; and that 10*l.* per cent. which is 10,000*l.* he paid to Mr. Nicolai: That it was sold by order of sir Alexander Cairnes; and that sir Alexander came to the examinant, from another room, and gave him the orders, by word of mouth, to sell it; and told him, That the gentlemen had agreed, that so much should be sold: That the persons that were then in the other room, were Mr. Deacle, sir Thomas Abney, and Mr. London:

"Being asked, whether he thinks himself indemnified by the verbal order of sir Alexander Cairnes; said, There was no Secretary; and therefore no order in writing was given; and that nothing was acted regularly then: that he looked on it as an order from all of them: Being asked, Whether any person gave him a discharge for the money he received; said, That he has no discharge; and that the 2 per cent only was taken as the company's money.

"Mr. Benjamin Joules, being again examined, said, That lord Barrington did not, directly, nor indirectly, order, or give directions to, the examinant, to sell the 100,000*l.* stock, or to pay Nicolai 10,000*l.*; and that he did not make use of lord Barrington's name, when he gave Nicolai the 10,000*l.*: That he has owned to several people at several times, that lord Barrington never gave him any directions about the 100,000*l.* stock, or the 10,000*l.* given to Nicolai; and that all the gentlemen that are trustees have heard him say so; and he has said it to not less than 40 or 50 people more: That lord Barrington was neither governor, sub-governor, nor director, at the time when the 100,000*l.* stock was sold, and Nicolai received the 10,000*l.*; but whether his lordship had signed the letter of attorney before or after, and, by that means, was a proprietor of the stock, the examinant cannot say:

"Being asked, Whether he told Mr. Hope, That lord Barrington gave him order to sell the 100,000*l.* stock, or any part thereof; said, He did not tell Mr. Hope so; for that the direction was given to him, to sell the 100,000*l.* stock, as he has mentioned in his former examination; and sir Alexander Cairnes ordered the examinant to give the 10,000*l.* to Nicolai; that the stock was sold in June 1720: said, He has met with Mr. Hope at the Fountain tavern, and North's coffee-house; and had discourse with him about the sale of the 100,000*l.* stock: That he has paid Nicolai 8,800*l.*; and he can prove by whom Nicolai has received the 1,200*l.* the remainder of the 10,000*l.*

APPENDIX, No. 1.

Harburg, 1st March 1721.

Abstract of the Scheme of the Harburg Company's Lottery, for 1,500,000*l.* Sterling, or 16,500,000 Guilders.

"His Majesty King George, by charter under his Sign Manual, and under the Great Seal of his electorate at Hanover, dated 31. Oct. (11 Nov.) 1720; as also, by his warrant under his Sign Manual, and privy-seal, at St. James's, the 19-30 December last; and likewise, by his royal approbation of this Scheme, under his Sign Manual, and the said seal, the 30 Jan. (10 Feb.) last; impowers the said company, of which his highness prince Frederick is governor, to issue tickets, at 3*l.* sterling, or 33 Guilders Dutch money, per ticket; viz. 12*s.* sterling, or 6 guilders 12 stivers, on taking out their tickets; 12*s.* or 6 guilders 12 stivers, more, for every undrawn ticket, one month before the second part shall begin to be drawn; and the further sum of 12*s.* or 6 guilders 12 stivers, for every undrawn ticket in the remaining parts; One month before each succeeding part shall begin to be drawn; to complete the money that shall have been paid to 3*l.* sterling, or 33 guilders, each. The prizes will be proportioned, according to the following Scheme, in 5 equal parts. Two blanks to one prize; the least prize five pounds sterling, or fifty-five guilders.

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The HARBURG LOTTERY, divided into Five equal Parts.

First Part Sterling.			First Part Dutch Money.		
No. of Prizes.	Value of Prizes.	Amount of Prizes.	No. of Prizes.	Value of Prizes.	Amount of Prizes.
	Pounds.	Pounds.		Guilders.	Guilders.
One as first drawn	101	101	One as first drawn	1,111	1,111
1	4,000	4,000	1	44,000	44,000
1	2,000	2,000	1	22,000	22,000
2	1,000	2,000	2	11,000	22,000
4	500	2,000	4	5,500	22.000
5	400	2,000	5	4,400	22,000
7	300	2,100	7	3,300	23,100
10	200	2,000	10	2,200	22,000
22	100	2,200	22	1,100	24,200
60	50	3,000	60	550	33,000
201	20	4,020	201	220	44,220
996	10	9,960	996	110	109,560
32,024	5	160,120	32,024	55	1,761,320
One as last drawn	500	500	One as last drawn	5,500	5,500
Total - 33,333	Prizes - - -	196,001	Total - 33,333	Prizes Total	2,156,011
66,667	Blanks, at 3*l.* in Stock, valued at 1*l.*10*s.* each, amounting to - - -	100,000½	66,667	Blanks, at 33 G. in Stock, valued at 16 G. 10 St. each, amounting to	1,100,005½
100,000	Tickets - -	296,001½	100,000	Tickets - -	3,256,016½

The Whole LOTTERY.

Sterling.			Dutch Money.		
No. of Prizes.	Value of Prizes.	Amount of Prizes.	No. of Prizes.	Value of Prizes.	Amount of Prizes.
	Pounds.	Pounds.		Guilders.	Guilders.
Five as first drawn	101	505	Five as first drawn	1,111	5.555
5	4,000	20,000	5	44.000	220 000
5	2,000	10,000	5	22,000	110 000
10	1,000	10,000	10	11,000	110,000
20	500	10,000	20	5,500	110,000
25	400	10,000	25	4.400	110.000
35	300	10,500	35	3,300	115 500
50	200	10,000	50	2,200	110,000
110	100	11,000	110	1,100	121,000
300	50	15,000	300	550	165,000
1,005	20	20,100	1,005	220	221.100
4,980	10	49,800	4,980	110	547,800
160,120	5	800,600	160,120	55	8,806,600
Five as last drawn	500	2,500	Five as last drawn	5,500	27.500
Last Blank but two	3,000	3,000	Last Blank but two	33.000	33 000
Last Blank but one	7,000	7,000	Last Blank but one	77.000	77.000
Last Blank - - -	10,000	10,000	Last Blank - - -	110,000	110.000
Total - 166,665	Prizes - - -	1,000,005	Total - 166,665	Prizes Total	11,000,055
333,335	Blanks, at 3*l.* in Stock, valued at 1*l.*10*s.* each; being, in the whole	500,002½	333,335	Blanks, at 33 G. in Stock, valued at 16 G. 10 St. each; being in the whole	5,500,027½
500,000	Tickets - -	1,500,007½	500,000	Tickets - -	16,500,082½

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"The Lottery will be publicly drawn at Harburg, in the manner of the State-Lotteries drawn in England; except that, in this, the prizes will be drawn first, and the 333,335 remaining numbers will be the blanks. The whole Lottery will be drawn in presence of some of the trustees appointed by his Majesty; who, with all the officers, will be sworn to see justice done. The prizes and numbers will be proclaimed twice, signed by two of the trustees, and filed in the same order they shall be drawn. To the first-drawn prize, in each part, will be added 101*l.* sterling, or 1,111 guilders; and to the last-drawn prize, in each of the five parts, will be added 500*l.* sterling, or 5,500 guilders. If any of the subsequent payments be not made by the adventurers, according to the Scheme, the money by them paid will be forfeited, and their numbers will be disposed of to others.

"After the drawing of each part, the adventurers, in office-hours, may check and settle their tickets by the trustees books. There will be a stamp on the tickets for each payment. The adventurers may examine which of their numbers are drawn, paying 6*d.* sterling, or 5½ stivers, for every six tickets so examined. The tickets will be printed on paper made on purpose for the company, and signed by the treasurer. The numbers will be writ in words at length, and figures; and the tickets will have sufficient checks to prevent impositions. The prizes will be paid, within one month after they are adjusted, to such as have completed their payments, without any deduction; and, as soon as each part shall be drawn, the trustees will proceed to examine and certify them. The company will give 3*l.* of their capital stock to every blank.

"That the stock may be made more valuable, all the profits arising from this Scheme of the Lottery, except 5 per cent. for erecting, managing, and drawing, the same, excepted in his Majesty's said approbation, will be added to the stock, to enable them to carry on a beneficial trade between Great Britain, Germany, and other parts, pursuant to their charter, and the privileges therein granted the Company by his Majesty. To the three last-drawn blanks will be added the three following sums; viz. to the first of the said three, 3,000*l.* sterling, or 33,000 guilders; to the second, 7,000*l.* sterling, or 77,000 guilders; and to the last-drawn blank, 10,000*l.* sterling, or 110,000 guilders; according to the foregoing Scheme of the whole Lottery.

"That the adventurers may be present, public notice shall be given when all the numbers will be put into the great wheel A; and the benefits, in five parts, at five several times, into the lesser wheel B; and mixed as equally as possible. After the prizes shall be drawn, the blanks will be drawn, proclaimed, and published; that every one may be satisfied, that their numbers were put into the wheel.

"The prizes will be paid, after the drawing of each part, within one month after they shall be brought in, and examined, without any deductions; except to complete 3*l.* sterling, or 33 guilders, for every ticket.

"That none may run the hazard of losing much by adventuring in this Lottery, those that take any number of tickets, not less than twelve; and shall pay the trustees 10*s.* sterling, or 5 guilders and 10 stivers, per ticket, over and above the 3*l.* sterling, or 33 guilders per ticket, which is to be paid as aforesaid; if in that number taken together, the prizes and blanks shall not amount to 3*l.* sterling, or 33 guilders per ticket, reckoning the stock given to each blank worth 30*s.* sterling, or 16 guilders, 19 stivers, the trustees will make up every such ticket 3*l.* sterling, or 33 guilders, in money, to every such adventurer, within two months after the prizes and blanks can be examined; whereby the adventurers will have their chances for the great prizes, and can lose but 10*s.* sterling, or 5 guilders and 10 stivers, per ticket, if they should be so unfortunate as to have all blanks. In all receipts and payments, the pound sterling will be reckoned equal to 11 guilders; and other money as the exchange shall then be.

"Publick notice shall be given one month before each part of the Lottery begins to be drawn, when the adventurers are to make their subsequent payments, that none may suffer by default therein.

"The money necessary to pay the prizes, which shall be received by the trustees agents in England, on account of the Lottery, will be lodged in the Bank of England, in order to pay the prizes as they shall become due; the money necessary to pay the prizes, which shall be received by the trustees agents in Germany, will be lodged in his Majesty's chamber of finances at Hanover, to be drawn out thence by the trustees, to pay the prizes that shall become due there.

"N. B. To such adventurers as shall take out one ticket, including 100 successive or following numbers or tickets, the trustees will lend 9*s.* per ticket, part of the first payment: to such as shall so take 50 tickets, they will lend 7*s.* per ticket; and to such as shall, in like manner, take 25 tickets, they will lend 5*s.* per ticket; which money, so lent, is to be repaid to the trustees, without interest, by one-fourth part at a time, on each of the remaining payments that are to be made on their tickets: unless they shall have such prizes as may enable them sooner to complete the sum of 3*l.* upon each ticket; in which case the trustees shall retain so much of the said prizes as shall complete the same, and stamp all their tickets as having made their full payments.

"The Stock of the company, being 1,500,000*l.* sterling, or 16,500,000 guilders, as soon as this Lottery is filled, will be, intrinsically, worth 29 per cent. in money; besides the advantages of trading free of customs; and, for forty years, the lands given by his Majesty to the company for ever; and 25 per cent. of what they lay out in building houses; and other advantages given

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to the company in their said charter. The proprietors of the blanks will have two-thirds of the whole stock of the company.

APPENDIX, No. II.

The FLYING-POST, or POSTMASTER;—From Tuesday December 4th, to Thursday December 6th, 1722.

Advertisement.

"His Majesty, as duke and elector of Brunswick and Lunenburg, having granted the Harburg company, besides other considerable privileges, a Lottery to be drawn at Harburg: the scheme of the said Lottery approved by his Majesty, and tickets, will be delivered by the company's agents, Mr. Francis Heilman merchant, at his house in Mark-lane; Mrs. Elizabeth Bell bookseller, at the Cross Keys and Bible in Cornhill; Mrs. Oakes, at her office in Three Kings court, Lombard street; at North's coffee-house in King street; and at Robins's coffee-house in Berry street, St. James.

"Whereas a false, malicious, and villainous Advertisement was yesterday published in the Postman; and the same, as a paragraph of news, in the Postboy; viz. That, the Harburg Lottery having met with unexpected and unreasonable opposition, all persons that have taken out tickets, are desired to come, to the several places where they took them, to receive their money back again: This is to certify, That there are so many tickets already taken out, and subscribed for, that the trustees are morally certain of carrying on the Lottery to advantage, and of promoting such a trade, which is the main design of their Lottery, as will convince their enemies, or rather those of his Majesty, and the trade of the nation, that none but his Majesty could ever have laid such a foundation for enlarging the British trade in the empire; and no other company, but that of Harburg, could, under his Majesty's auspices, have contrived a scheme of trade so beneficial to all Britons.

"N. B. Schemes and tickets continued to be delivered out at the places formerly advertised."

APPENDIX, No. III.

At a Meeting of the Gentlemen, named Directors, September 4th, 1722:

Present, Lord Barrington, Mr. Smith, Mr. Manley, Mr. Burroughs, Mr. Hartop, Mr. Nicolai, Mr. Squire, Mr. Stirling, Mr. Harrison: The heads of a British Charter, agreed on by the Committee of August 31st, read and approved: The lord Barrington undertook to deliver a copy of them to lord Townshend: And the secretary was ordered to send a copy, translated into French, to count Bothmere, that he might lay the same before his Majesty.

At a General Meeting of the Harburg Company, 4th September, 1722:

Present lord Barrington, &c. Resolved, *nem. con.* That it will be a very great service to the company, if the Committee appointed by the directors to consider how the company may proceed in such a manner as to ask a British Charter that may be for the service of the company; and yet, if possible, free from the objections that have or may be made to the granting a British Charter, on the foot of the present German Charter; can form such a plan: And that they be desired to finish it as soon as possible. This is a true Copy.

GEO. RIDPATH, Secretary.

At a Meeting of the Gentlemen, named Directors, August 31st, 1722:

Present, Lord Barrington, Mr. Richier, Mr. Alderman Baylis, Mr. London, Mr. Hartop, Mr. Thompson, Mr. Squire, Mr. Nicolai, Mr. Manley, Mr. Smith, Mr. Burroughs, Mr. Harrison.

The Minutes being read; Resolved, That a Committee be appointed to consider how the company may proceed in such a manner as to ask a British Charter: And that the lord Barrington, Mr. Bendish, Mr. Manley, Mr. Hartop, Mr. Harrison, Mr. Burroughs, and Mr. Squire, be of the said Committee; and to report to the directors:

The Preamble to be as follows; It having been reported to the directors, That the English ministers think it neither legal nor prudent to grant a British Charter to the company, as the German Charter now runs; the Committee, being very desirous, out of the duty they have for his Majesty, and the due regard they have to the company, and this undertaking, to remove all the difficulties, that the English ministers apprehend to be in the way of granting a British Charter, on the foot of the present German Charter, do propose the following plan; which, though it will take from the company one of the most valuable privileges, which they have acquired by their interest, and by a considerable expence of time and money; yet hope it may be accepted by the company, in order to remove the aforesaid difficulties, on the one hand, which the English ministers apprehend might arise to his Majesty's administration, if a British Charter should be granted to the company, whilst they remain possessed of that privilege, in this difficult conjuncture; and to prevent the great discontents and clamours, on the other hand, that may arise, if this undertaking should not proceed, for want of a British Charter, on which they have always depended; and in hopes of which alone, they accepted of his Majesty's German Charter, after it was issued, when others rejected it; appears by their minutes, and by their humble Address on accepting the said charter.

"It is humbly desired, that the Harburg company may have a British Charter of incorporation, except as is below excepted; on condition,

"That they be continued a German company, with these powers following, in their said German Charter: 1. "With a power to draw their Lottery at Harburg, as it is at present

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granted: 2. "With a power to make the Port, i. e. the sluice, canal, and bason; and keep the said sluice, canal, and bason, in repair; and to keep the Colebrand to 16 feet water deep at high-water mark; and to lay such a duty, at Harburg, on goods imported and exported, as shall be necessary to maintain such repairs, not exceeding 2 per cent. to be laid by the general court of the intended company; which will consist of every freeman of the said company, as well as of every proprietor of the stock; the said power of laying the said 2 per cent. to be expressed in the British Charter: 3. "With a power for their sole or exclusive exercising and enjoying all other privileges contained in their said present German Charter; and such farther privileges as his Majesty shall be pleased to grant; except, 1. The freedom from duties of customs granted in the charter, called duties of export and import, and tolls, as in article 14th: 2. Freedom from the duties of excise, as in article 4th: 3. Freedom from the duties of quartering soldiers, as in article 3d: 4. Freedom from the duties of burghership, or town-offices, and contributions, at Harburg, as in article 2d: 5. Freedom from church or parochial taxes, as in article 1st: 6. Freedom from embargos, as in article 16: 7. A right of salvage of ship and goods, as in article 18th: 8. Freedom from arrests, as in article 20th: 9. Freedom of religion, as in article first:

"All which nine privileges, as they are granted to the said company, in their said German Charter respectively, are to be laid open to every Briton; and the company is to be restrained, by the British Charter, from importing to Harburg up the Elbe, or exporting from Harburg down the Elbe, on condition;

"4th, That every such Briton shall be free of the said intended company, by virtue of the British Charter, upon paying of 30*l.* for his freedom; and that he, consequently, be intitled to all the nine afore-mentioned privileges, upon such payment; which are all the privileges that the company is intitled to by the German Charter, relating to the trade from Great Britain to Harburg up the Elbe, or from Harburg down the Elbe to Great Britain: Provided always, That if any Briton will trade from Great Britain to his Majesty's German dominions, or from thence to Great Britain, without these nine afore-mentioned privileges, he may be at liberty to trade to his Majesty's German dominions, or from thence, without being free of the said company. This is a true copy.

GEO. RIDPATH, Secretary."

APPENDIX, No. IV.

An Account of the Harburg Lottery, and Stock for Trade; with the deductions for Management, &c.

"The Lottery is divided into 5 parts; the prizes to be first drawn out 5 several times; and the remaining numbers will be blanks, to be drawn afterwards:

"The tickets are charged at 3*l.* each; part whereof is to be paid, or discounted, one month before each drawing; viz. 12*s.* at a time; and, if they come up prizes, the subsequent payments are to be discounted thereout: Also credit is to be given for part of the first payment, if desired, according to the number of tickets taken out by the adventurer, as in the Scheme.

The total Sums of the Lottery are as follows; viz.

	£.
To 500,000 tickets, at 3*l.* - -	1,500,000
Deduct, for the prizes to be paid or discontinued - - - -	1,000,000
Remains, in money, to the blanks	500,000
Deduct, for managing the Lottery, 5 per cent. on 1,500,000*l.*; which is 15 per cent. on the 500,000*l.* out of which it is taken - -	75,000
Remains, net money, to the blanks	425,000
The Totals of the Stock for trade; and how the property thereof is to be divided; viz.	
To the net value of the present Stock of the company, as may be collected from the Scheme, and their advertisement of the 13th instant - - - - -	10,000
Add the net money belonging to the blanks, or unfortunate adventurers in the Lottery - -	425,000
This sum of 435,000*l.* is the true value, in money, of the real capital Stock, to be employed in trade, being 29 per cent. as valued in the Scheme on the fictitious capital of 1,500,000*l.* -	435,000
Deduct ⅓ part thereof, for the managers, &c. - - - - -	145,000
Remains ⅔ for the unfortunate adventurers, as their share of the said Stock; being all that is left them of the 500,000*l.* they have advanced, in money, besides the privilege of trade, &c. as in the Scheme - - - - -	290,000
The total gain to the managers, as taken from the unfortunate adventurers, will be as follows; viz.	
To ⅓ part of the Stock in trade, as before - - - - -	145,000
Deduct the supposed net value of their present Stock, which is included therein - - -	10,000
Remains the real sum taken from the adventurers, which is 9 per cent. on a fictitious capital of 1,500,000*l.*; but is 31¼ on the net sum of 425,000*l.* from whence it was taken, or 27 per cent. on the gross sum of 500,000 advanced as before - - -	135,0

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Add the former deduction for managing the Lottery - - -	75,000
The sum total of their gain is -	210,000

Which is 42 per cent. on the 500,000*l.* gross sum advanced by the unfortuate adventurers.

Resolutions thereupon.] Upon reading the said Report, the House came to these Resolutions:

1. "That the Project called the Harburgh Lottery, carried on in the city of London, is an infamous and fraudulent undertaking, whereby several unwary persons have been drawn in, to their great loss; and that the manner of carrying the same on hath been a manifest violation of the laws of this kingdom.

2. "That it appears to this House, that the managers of, and agents for, the said Lottery, did frequently, without any authority for their so doing, make use of his Majesty's royal name, thereby to give countenance to the said infamous project, and induce his Majesty's subjects to engage, or be concerned, therein."

Ordered, *nem. con.* That leave be given to bring in a Bill to suppress the Harburgh Lottery; and to prevent any foreign Lotteries from being carried on in this kingdom; and to oblige the persons concerned in the management of the said Harburgh Lottery to make restitution and satisfaction for the monies they have received from the contributors to the said Lottery.

Feb. 14. The Commons resumed the further consideration of the said Report, and several paragraphs relating to John lord viscount Barrington of the kingdom of Ireland, a member of this House, were read; and then Henry Bendysh, esq. Mr. George Ridpath, Mr. Thomas Matthew and Moses Raper, esq. having been severally called, and examined, the further consideration of the said Report was adjourned to the next morning, when several persons were ordered to attend. Accordingly, on the 15th, the Commons resumed the further consideration of that affair; and Mr. George Ridpath having been examined, the lord Barrington was heard in his place, and, in his own justification alledged, "That his design was honest and disinterested; that he had nothing in view but the good of the nation; that the Harburgh Company, if duly managed, and encouraged, might have been very advantageous to the navigation, and trade, and that the Lottery in question, was intended to raise money, in order to enable the Company effectually to carry on their trade."

The noble lord then withdrew, and the House resolved, *nem. con.* "That it appears to this House, That John lord visc. Barrington in the kingdom of Ireland, a member of this House, has been notoriously guilty of promoting, abetting, and carrying on the fraudulent undertaking called the Harburgh Lottery. 2. That the said lord viscount Barrington be, for his said offence, expelled this House."

A Petition of the Minters rejected.] Feb. 11. A Petition of several thousands of his Majesty's subjects under Insolvency in Suffolk-place, in the borough of Southwark, was presented to the House, and read; setting forth, "That the Petitioners, who, by great losses sustained in merchandize, trade, and unavoidable misfortunes which fell on us, through decay of trade, by the late calamitous times; by which we are rendered uncapable to make payment according to our dealings; having offered, according to our power, divers sums in part; praying time for payment of the rest; yet, by refusal and severity of some of our creditors, we are deprived, and cast out of the world, without any law to help, having nothing left but a natural right to the liberty of our persons, and are even deprived of that: by which severity our effects are wasted, and we rendered insufficient to pay our whole debts, according to our former proposals; as also to defray the great expences of a statute of bankruptcy; and, many thousands of us not coming within the description of the statute, &c. others of us have submitted to a statute, finished our examination, and delivered up our all, upon oath several years since: and our distresses having forced us either to make our houses our gaols, or defraud our creditors by carrying away our effects, with our arts and sciences, into foreign countries, to the improving of their manufactures abroad, and impoverishing our own, which is the life and treasure of this nation"; and are drove to take refuge in Suffolk-place, Southwark, commonly called the Mint, a place of great poverty and want; and, though not prisoners in the King's-bench, are, by being debarred of our liberty, as if we were actually confined; and the vast numbers crouding in houses, &c. hath advanced the rents to thrice the real value; and the landlords are daily distraining upon the goods of poor unfortunate gentlemen, merchants, and tradesmen, &c. And praying, That the House will grant the petitioners such a limitation of time for the payment of their just debts, in proportion to their extreme poverty."

And a motion being made, and the question being put, That the Petition be referred to a Committee; it passed in the negative. Resolved, That the Petition be rejected.

A Committee appointed to enquire into pretended Privileged Places.] Ordered, That a committee be appointed to inquire into pretended Privileged Places; and to report their opinion to the House, what may be the best means to abolish them.

REPORT OF THE COMMITTEE APPOINTED TO INQUIRE INTO PRETENDED PRIVILEGED PLACES.] Feb. 27. Mr. Conduit reported, from the Committee appointed to inquire into pretended Privileged Places; and to report their opinion to the House, what may be the best means to abolish them: the matter, as it appeared to them, with the Resolutions of the

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Committee thereupon;* and he read the Report in his place; and afterwards delivered it in at the clerk's table: where the Report and Resolutions were read; and are as follows:

"That the Committee have taken the matters referred to them into consideration; and examined the several witnesses following; viz.

"*John Lade*, esq. one of his Majesty's justices of the peace for the county of Surrey, being examined, said, That notwithstanding the statute of the 8th and 9th of king William the 3d, intituled, 'An act for the more effectual 'relief of Creditors, in cases of Escapes; 'and for preventing Abuses in Prisons, and pre-'tended Privileged Places;' great disorders, and illegal practices, continue in the pretended privileged place in the borough of Southwark, commonly called the Mint:

"That one Orchard, who had been barbarously treated by the Minters upon suspicion of his being a bailiff, though he was not one, having complained to the justices, at the last quarter session for the county of Surrey, they appointed a committee to inquire into the Abuses of the Mint; upon which the Minters sent them a Letter, a Copy of which is hereunto annexed, No. I. acquainting them what warrants only they would obey; and setting forth, They hoped they should be excused, if any accident should happen in their defending themselves: and that the warrants issued out against those Orchard complained of should be discharged:

"That about three years ago, the examinant having, at the quarter-sessions, opposed the discharging of debtors, who sheltered themselves in the Mint, as not being within the act, received a letter, a copy of which is hereunto annexed, No. II. full of curses and menaces; though, at that time, he was a member of Parliament, and chairman to the bench of justices; and that he has often received letters of the same nature:

"That complaints are made to the examinant three or four times a month, That the Minters go into the city to buy goods, and into the markets to buy cattle, of 20 or 30*l.* value; and paying, only, 4 or 5*l.* down, order the sellers to bring them near the Mint, and then carry them thither by force:

"That, at the latter end of the last parliament, the examinant saw one William Harman, and others, proclaim, That four streets in the park, in Southwark, which are above half a mile round, should, for the future, be deemed to be within the privileges of the Mint; and that no person should presume to arrest any body there:

"That several persons within the Mint have set up a jurisdiction of their own; and take upon them to regulate and determine matters there:

"That one Monk is called their general; Gilding, their Recorder; Saunders and Martin, their Judges; Steed, Townshend, and Wright, their Beadles and Messengers.

"Mr. *David Spencer*, Lighterman, said, That one David Corbet who owed the examinant 238*l.* odd money, went into the Mint in January last, in order to shelter himself: That the whole debt was contracted in six months, and 24*l.* 3*s.* thereof in less than 14 days before he went into the Mint: That he was informed, That if he made his address to a club in the Mint, they would make Corbet pay him the 24*l.* 3*s.*; because, by their rules, no persons were to be protected from paying a debt contracted in so short a time before their coming there; That in January last, he sent in his name to them, and paid eighteen-pence fee, to be admitted to tell his case: That there were 20 that sat about a table; and that one of them particularly sat at the upper end, and had a cap on his head, in imitation of laurel; and the examinant was told, he was one of the stewards of the court: That, when he had told them his case, they promised to make Corbet pay him the money, or deliver him up; and immediately sent for him, by their messenger, who had on a red coat, a laced hat, and a staff in his hand; but he could not be found: That he went again to the same club, the Thursday following; when Corbet was again sent for, but could not be found: they said they had seen him; and that he had agreed

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* "Ev'n Sunday shines no Sabbath-day to me:
Then from the Mint walks forth the Man of Rhyme,
"Happy! to catch me, just at dinner-time."
POPE.

The Mint was formerly a place to which insolvent debtors retired, to enjoy an illegal protection, which they were there suffered to afford to one another, from the persecution of their creditors.

"Formerly one of the greatest obstructions to public justice, both of the civil and criminal kind, was the multitude of pretended privileged places, where indigent persons assembled together to shelter themselves from justice, (especially in London and Southwark) under the pretext of their having been ancient palaces of the crown, or the like: [such as White-Friers, and its environs; the Savoy and the Mint in Southwark,] all of which sanctuaries for iniquity are now demolished, and the opposing of any process therein is made highly penal, by the statutes 8 & 9 Will. 3. c. 27. 9 Geo. 1. c. 28. and 11 Geo. 1. c. 22. which enact, That persons opposing the execution of any process in such pretended privileged places within the bills of mortality, or abusing any officer in his endeavours to execute his duty therein, so that he receives bodily hurt, shall be guilty of felony, and transported for seven years: and persons in disguise, joining in or abetting any riot or tumult on such account, or opposing any process, or assaulting and abusing any officer executing, or for having executed the same, shall be felons without benefit of clergy." 4 Blackst. Comm. 129.

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to pay the 24*l.* 3*s.* to the examinant, at three several payments; viz. 3*l.* 3*s.* down, 8*l.* in a month, and 8*l.* more in 3 months: that the examinant said, He would not accept of those terms; but would take some other course: That the next day, the two stewards, and another person, came to the examinant's house, at the Bank-side, which is half a mile from the Mint: and said, That they had been talking with Mr. Corbet, who had agreed to pay the examinant 12*l.* 3*s.* down and 12*l.* three months after, provided he, the examinant, would not be concerned in taking out a statute against him; but, the examinant not accepting that offer, they said, Mr. Corbet must then take an alehouse in the Mint, and spend the money there; and the examinant has not been able to get any part of the 23*8l.*

"*Randolph Greenway*, esq. under sheriff for the county of Surry, said, That he cannot execute process against any person in the Mint, without the *Posse Comitatus*; and even then must take the opportunity of the assizes, when he can have the Javelin-men to assist him, or go in by surprise; for if he was to raise the Posse in the usual form, the Minters would certainly be prepared against it: That the expence of raising the Posse is 20 or 30*l.* and that it cannot be very much depended upon; for, even out of the Mint, when a person stands in the pillory, the Posse leave the examinant, and mix with the mob.

"*William Devon*, marshal's-court officer, said, That the Thursday before Christmas, as he was carrying away a prisoner, who was no Minter, 20 or 30 Minters, who were planted, for that purpose, a quarter of a mile from the Mint, knocked down the examinant, and took his prisoner from him: That they have come several times to his house, which is a quarter of a mile from the Mint, and insulted him and broke his windows, and threatened to take prisoners from him; That he never goes near the Mint, that he is not in danger of his life.

"*John Lemon*, sheriff's officer, William Spicer, David Thomas and William Varnham, constables, being severally examined, said, That they had often been obstructed, by the Minters, in executing warrants; and have had their prisoners taken from them; and durst not go over St. George's Fields, since the rules of the King's-bench were inlarged: That the Minters would suffer warrants for felony to be served, but not escape warrants: that the examinants had often been pursued, when they had no writs to execute, by a hundred, or more, of the Minters; some of which, called spirits, and dressed in long black gowns, which go over their heads, with holes made to see out at, go often out of the Mint in search of bailiffs.

"*Richard Poole*, one of the badge-porters of Lincoln's-Inn, said, That, on Friday the 22d of December 1721, he served one Daniel Davis and his wife and Sarah Morgan, at the house of the said Daniel Davis, in the Mint, with a subpœna: That, as soon as the examinant had served the said subpœna as aforesaid, the said Davis and his wife fastened the doors, and declared they would have the examinant punished, according to the laws of the Mint: and called in several persons, and then sent out three or more of them, directing them to get the club together with all possible speed: that, soon afterwards, word was brought, That the club was ready; whereupon Davis opened the doors and bid the examinant get out of his house about his business; that, as soon as the examinant was got without Davis's door he was surrounded by a mob, who laid violent hands on him, and carried him to an alehouse near to Davis's house, where were divers persons, unknown to the examinant, one of which they called Judge: That they searched the examinant's pockets, and took an order from thence: and then cut a piece of parchment into small pieces, and put the same into a glass of water and salt, and forced the examinant to eat the said pieces of parchment, and to drink the water and salt: That then there came into the room several other persons, in disguise, whom they call the Spirits, who by violence, took the examinant to seven or eight pumps, and pumped him at each pump a considerable time: that, afterwards, they forced the examinant (beating and punching him with short sticks and truncheons) into a ditch, into which the common-sewers, and filth of the necessary-houses, runs; and one of them forced the examinant's head three times under the surface thereof: that as soon as the examinant came out of the ditch, they led him to a place, at some distance, which, as the examinant has been informed, was the extent of their bounds; and there they produced a brickbat, having on it human excrements; and obliged the examinant to kiss the same, and to express himself in the following words; viz.

'I am a rogue, and a rogue in grain,
'And damn me, if ever I come into the Mint again.'

"That the persons that had so treated the examinant declared, they had lately made a law against serving of subpœnas in the Mint: That the examinant was very much bruised and hurt, in his face, and several parts of the body, by the usage aforesaid.

"*Joseph Twells*, an officer in the borough-court, said, That about two years ago, he was treated in the same manner as Richard Pool, for arresting a cheesemonger's servant; and had 5*s.* taken from him in money.

"*Anne Lefoe*, a working woman, said, That she, having given evidence, at the assizes, against one of the Minters, who was indicted by the above-mentioned Joseph Twells, was seized, near St. George's church in Southwark, by two Minters, and carried, by force, into the Mint; where she was also treated in the same manner: That they took all her cloaths from her, except one petticoat, and her bodice; and made her curse her father and mother.

"*John Smith*, sheriff's officer, said, That, about two years and a half ago, as he was

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drinking at a public-house half a mile from the Mint, at a time when he had not . . . writ to execute, near 200 Minters came in pursuit of him; upon which the examinant got over the pales, and went into another house, and shut the doors; but the Minters followed him, and broke open two doors, and carried him into the Mint, where they treated him in the same manner as the aforesaid examinants had been treated: that he had twenty or thirty cuts in his head, by being dragged through the kennels; was almost strangled: had his breast tore in several places; and lost a suit of cloaths worth 5 or 6*l.* a silver watch, and 3*l.* in money.

"That, upon the whole, the Committee came to the following Resolutions; viz.

Resolved, 1. 'That it is the opinion of this 'Committee, That the provision made by the 'act of the 8th and 9th of king William the 'Third, intituled, 'An act for the more effec-'tual relief of creditors, in cases of escapes; 'and for preventing abuses in prisons, and 'pretended privileged places;' has not proved 'effectual within the place commonly called 'the Mint: and that further provisions should 'be made; and the same be extended to the 'contrivers, aiders, and abettors, of and in the 'offences mentioned in that part of the said 'act, which relates to pretended privileged 'places.

2. 'That further powers be vested in the 'justices of the peace for the county of Surry, 'for the more effectual execution of their war-'rants, and escape-warrants, within the said 'place called the Mint.

3. "That some provision be made for de-'fraying the charge of raising the *Posse Comi-'tatus*, or any other power that shall be re-'quisite, to execute process or warrants within 'the said Mint.

4. 'That assemblies of persons, taking upon 'themselves to regulate and determine matters 'within the said place called the Mint, greatly 'contribute to the support of the disorders, 'and illegal practices, committed therein; 'and 'that effectual provision should be made against 'the contrivers, actors, aiders, and abettors, of 'and in such assemblies.

5. 'That some proper encouragement and 'reward be given to the prosecutors, upon 'their convicting such offenders.

6. 'That the granting some relief to such 'insolvent debtors as have been, for a certain 'time to be limited, within the Mint, and shall 'appear to be objects of compassion, under 'proper regulations and restrictions, may con-'duce to the dispersing the great numbers 'that have resorted thither, and to the abo-'lishing the pretended privileges of the same 'place.'

APPENDIX, N° I.

"May it please your Worships;

"We, the unfortunate gentlemen of this place called the Mint, are unwilling to give the least umbrage to your worships order, in the executing your warrants upon highwaymen, thieves, pickpockets, and whores: but must intreat you, gentlemen of this honourable bench, that, as our case and circumstances are desperate and deplorable, and our liberties but small, to the maintenance of ourselves, wives, and children; so, we humbly hope, this honourable bench, as gentlemen and Christians, will commiserate our cases.—We are very sensible, that many reflections are daily thrown upon us, without real cause; and we do assure your worships, we will always obey your warrants, as aforementioned: but, as our lives, and the miseries of thousands, ought to move your worships to commiseration; as we are gentlemen, merchants, &c.; so we humbly hope, your honours will excuse us, if any accident should happen in defence thereof; we being truly loyal and dutiful subjects to his Majesty king George, and ready to sacrifice our lives in defence of his sacred person, and government.

Signed, "AMATORES LIBERTATUM."

"Gentlemen;

"As we are are ready to prove to your worships, That this bailiff is a most notorious villain, not only in being tried several times for his life, but guilty of every thing criminal, as perjury, felony, &c. and even to take the corps of the deceased out of their coffins, and sell them: Then what will such a person do to the living, we refer to your worships; humbly hoping, you will, of your great compassion, discharge the warrants against the innocent, that was not in the least concerned. Superscribed, To the worshipful Bench of Justices."

APPENDIX, N° II.

"Mr. Ladd;

"God eternally damn the for an old overgrown unparallelled monster of a rogue! thou spawn of fiery dragons, hell, and fury? May all the plagues of Egypt be inflicted upon the, ninety-and-nine times doubled! May God rain fire, brimstone, and the grandest rods, scourges, and flames of hell, upon the, here on earth; and when we have made two or three Pl'et-holes (by the power of powder, and force of balls) through thy rotten skull, that may infallibly finish thy abominable course, and make the to resign thy uncharitable, corrupted, breath, that thou mayest be placed in the lowest and fiercest hell, and there to remain to all eternity. There never was so vile a rogue breathing upon the face of the whole earth, since the creation of Adam, as thou art. Oh thou abominable dog! what! oppose the relief of the poor insolvents! Thou cursed villain; we have agreed to send the to hell in a little time; (*i. e.*) the first opportunity; which, depend upon it, we will watch for very diligently. I tell thee, the author is a person concerned with sufficient accomplices to execute this blessed action: but I tell the farther, I had some little check upon my spirits this morning, which was the occasion of my writing thee this epistle; whereby, if thou follow my councel, thou shalt escape his

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bloody contrivance. Thou hast been, and now art, the only person that doth oppose the relief of the poor insolvent debtors: therefore, as thou hast been such a cursed notorious dog, turn a faithful friend to them all, and discharge them, every one that comes before thee, without giving them any trouble; and I promise thee a hair of thy head shall not be hurt, nor thy body neither: but mind what I say to thee; it won't be thy seeming indifferent with the prisoners, as though thou was their friend, and if found otherwise, that will save thy bacon; nor if thou shouldst go into the country, on any pretence whatsoever; or if thou dost keep from the bench, on any pretended indisposition: in a word, there is no pretence whatsoever upon earth shall save thee, if thou dost not infallibly discharge every one that comes before thee, and speak in their behalf, in every respect, as much as possible.

"N. B. A Copy of this letter I have shewn to my companions; and it is agreed to by us all.

"P. S. It is most evident (by the act of insolvency), that every person, not owing above 50*l.* principal money, shall be discharged. This, I say, was the intent and design of the Parliament; and if thou introducest any quibble to obstruct the execution of the Parliament's intention, by the great God, by all the angels and archangels, and by all that is good and sacred, either in Heaven above, or on the earth beneath, the contents of this letter shall be executed: And so, Farewell."

The said Resolutions, being severally read, were agreed unto by the House. Ordered, That a Bill be brought in, pursuant to the said Resolutions.

REPORT OF THE COMMITTEE OF THE HOUSE OF COMMONS APPOINTED TO EXAMINE CHRISTOPHER LAYER AND OTHERS TOUCHING THE CONSPIRACY.] March 1. Mr. William Pulteney according to order, reported, from the Committee appointed to examine Christopher Layer, and others; and to whom several Papers, relating to the Conspiracy mentioned in his Majesty's Speech, were referred; the matter, as it appeared to them, upon the said Papers and Examinations; which they had directed him to report to the House: and he read the Report in his place; and afterwards delivered the same in at the clerk's table, with several Appendixes, containing Copies of the several Papers, and Examinations referred to in the said Report and also a trunk containing all the original papers and Examinations mentioned in the said Report: which Report is as follows:

REPORT from the COMMITTEE appointed by order of the House of Commons to examine CHRISTOPHER LAYER, and others; and to whom several Papers and Examinations laid before the House, relating to the CONSPIRACY mentioned in his Majesty's Speech, at the opening of this Parliament, to be carrying on against his Person and Government, were referred. Reported on the First of March, 1722, by the right hon. William Pulteney, Esq. Chairman of the said Committee.

The Committee appointed to examine Christopher Layer and others, in relation to the Conspiracy mentioned in his Majesty's Speech, to be carrying on against his Person and Government, having perused the several Papers and Examinations referred to them, and having gone through the Examinations of those persons, have agreed on the following Report:

IN such various and so long examinations, and in so extensive an inquiry, your Committee are in hopes that they need not be strictly tied to the method and order in which they were appointed, but may for the ease of the House range the several matters occurring to them, as near as they can, in the order of time in which they were transacted, or as they best serve by their mutual connection to illustrate each other, without adding any observations of their own, but such as naturally arise from comparing the several papers and examinations together, and such as are necessary to help the House, the more easily to perceive the contradictions and inconsistencies of the confessions made by the prisoners, as well as the confirmations and coincidence of the facts inquired into.

The Committee observe in general, that a design has long been carrying on by persons of figure and distinction at home, in conjunction with traitors abroad, for placing the Pretender on the throne of these kingdoms. That various methods have been attempted, and various times fixed, for putting this design in execution. That the first intention was to have procured a regular body of foreign forces to invade these kingdoms at the time of the late elections; but that the conspirators being disappointed in this expectation, next resolved to make an attempt at the time that it was generally believed his Majesty intended to go to Hanover, by the help of such officers and soldiers as could pass into England unobserved from abroad, under the command of the late duke of Ormond, who was to have landed in the river with a great quantity of arms, provided in Spain for that purpose, at which time the Tower was likewise to have been seized, and the City of London to have been made a place of arms; but this design being also disappointed, by the discoveries made in England, and his Majesty's putting off his journey, by the encampment of the forces at home, as well as the sending for those from Ireland, and by the readiness of his Majesty's good allies the States General to assist him in case of need, by the orders given in Spain that the late duke of Ormond should not be suffered to embark, and the like orders issued in France that he should not be suffered to pass through that kingdom, the conspirators found themselves under a necessity of deferring their enterprize till the breaking up of the

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camp; during which interval, they were labouring by their agents and emissaries to corrupt and seduce the officers and soldiers of his Majesty's army, and depended so much on this defection, as to entertain hopes of placing the Pretender on the throne, though they should obtain no assistance from abroad, which nevertheless they still continued to solicit for.

The truth and reality of these wicked designs, your Committee are of opinion will appear confirmed to the House by concurrent and unquestionable advices, from almost all parts of Europe, sent by persons who appear to have had no communication with each other; which advices have again been verified and supported by several discoveries made at home, by the informations and confessions of some of the persons concerned, as well as by a long and regular series of correspondence, which the conspirators have furnished the government with against themselves, the several branches of which appear to the Committee connected with one another, and all concurring in one continued design of subverting our present happy establishment, and involving these kingdoms in blood and confusion.

That the first design was to have been executed during the elections, and to have been supported by foreign forces, is collected from the following circumstances.

Philip Neynoe, clerk (who was drowned in attempting to make his escape from the Messengers) declared upon his examination before some of the lords of the council, "That he had been employed by George Kelly, and one Watson, whom he took to be the late earl Marishal, and who was in England last Spring, to draw up three several memorials to the Regent of France, to solicit him to send forces to the assistance of the conspirators. That the last of these memorials was drawn up in December 1721, and contained a demand of 5,000 men, to be sent over by the Regent to invade these kingdoms."

This is confirmed by unquestionable advices from France, the 19th of April last, in which it is expressly affirmed, "That repeated application had been made to the Regent for some time past, to furnish only a body of three thousand men, by the help of which the conspirators made no doubt but to be able to place the Pretender on the throne."

Layer, at his examination before a Committee of lords of the council, confessed, "That being in discourse with lord Orrery, soon after his first acquaintance with him, (which was before the encampment,) lord Orrery said, nothing could relieve the nation, but a restoration; and that he would be glad if he could contribute to bring it about; that it must be done by foreign forces, and could be done no other way; that he often asked lord Orrery, what methods they had taken to procure them; that lord Orrery said, they had friends abroad that had made application to the Regent for assistance to bring about a Revolution; but he does not know whom his lordship meant; General Dillon might be his correspondent, for ought he knew; that lord Orrery likewise told him, the Regent might be brought to wink at any thing, but was so perfidious that he was not to be trusted; and that the French had made a tool of the Pretender."

Layer repeated the same in part at two other examinations before his trial, and has since confirmed to your Committee, upon his examination at the Tower, "That lord Orrery declared himself constantly of opinion, that nothing could be done to any purpose in the Pretender's favour without Foreign forces."

About the latter end of April, a letter was intercepted here, coming from Spain, enclosing the copy of one from O——— to ——— L, which will be shewn, in the sequel of this report, to have been from the late duke of Ormond, in which Ormond says, "Pray tell Mrs. Chaumont, that since the parliament is dead and gone, I think it is a good time to make an effort, when the elector is gone to Hanover." It will appear from the sequel of this report, that by Mrs. Chaumont is probably meant the Pretender.

On the 23d of April another letter was intercepted, signed 1378, and directed to Mr. Jackson, which your Committee have good reason to believe was from the Bishop of Rochester to the Pretender, as will be shewn in the following part of this report; in this letter he says, "Notwithstanding this opportunity is elapsed, I agree with you another may offer before the end of the year, though not perhaps every way so favourable." This letter was writ on the 20th of April, when most of the elections were over, and consequently that opportunity was elapsed.

That an insurrection was thought of at the time of the elections, is farther confirmed from the following particulars; Layer confessed before the Lords, "That Green the gunsmith being in company with lord North after dinner, and talking of 5,000 arms, and 7,000 arms, that were ready, said, 'When the Westminster mob were up, if they had had arms!' Upon which lord North interrupted him, and said, Do not talk, you are a citizen, you know there are no arms; but that the man insisted there were 5,000 arms ready in the city."

Neynoe declared, "That Tho. Carte, clerk, made two expeditions in the Spring (during the elections) one into Cornwall, and another into the counties of Warwick, Nottingham, Derby and Stafford; and that upon Neynoe's blaming the riotous conduct at the Coventry election, Carte replied, hang the election, you never saw fellows of such mettle, so well trained, so fit for business."

Among Mr. Dennis Kelly's papers was seized an exact list of the quarters of all his Majesty's forces in Great Britain, about the time that they were drawn out of most of the great towns and boroughs, on account of the elections.

From all these circumstances the Committee see reason to conclude, that the first design was to have been executed with the assistance

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of foreign forces, at the time of the elections; that the Pretender, the late duke of Ormond, lord Orrery, and the bishop of Rochester, were of this opinion; that memorials were drawn up here, to be presented to the Regent for this purpose, and that those memorials were actually presented, or at least application made to the Regent in consequence of them, by directions from persons in England; and that such dispositions had been made for this enterprize at that time, as broke out into riots at some of the elections; which must be allowed to have been no unfavourable juncture for such an attempt, considering the discontents occasioned by the late South Sea scheme, which the conspirators have all along flattered themselves they should be able to improve into a spirit of rebellion, and the liberties usually taken at such a season, when all the freeholders of England are necessarily and legally assembled together, and when the whole nation is too apt to be in a ferment, even in the quietest times.

This design failing, on account (as it is reasonable to believe) of the conspirators not being able to obtain the forces they solicited from abroad, and of their being themselves divided in opinion as to the time and manner of execution, their next endeavour was to attempt an insurrection at the time when they supposed his Majesty would be going to Hanover.

Of the reality of this design your Committee have found such evident and concurrent testimonies, that they think stronger could not reasonably be expected, in an affair, where it was so much the interest of the conspirators to act with the utmost caution and secrecy.

It has already been observed, that the late duke of Ormond thought the time of the King's going for Germany a favourable opportunity for making an effort, and that the person who signs 1378 says, "Notwithstanding this opportunity is elapsed, I agree with you another may offer before the end of the year, though not perhaps every way so favourable."

Layer confessed to the Lords at two several examinations previous to his Trial, and has since confirmed to your Committee, "That he made application to lord Orrery to stand godfather to his child for the Pretender, intending that this mark of kindness from the Pretender should serve as a credential to lord Orrery to induce him to converse freely with him, in relation to the Pretender's affairs: that their acquaintance having begun in this manner, lord Orrery sent to him to inquire into the Pretender's character and qualifications, and asked him several times whether he had any recommendation from the Pretender to any person; that upon his answering no, his lordship told him, that he seemed to be an honest man, and people of his integrity should be always welcome to him, whether they had any credentials or no; that he, Layer, then gave his lordship an account of what had passed between the Pretender and him during his stay at Rome, and asked his lordship what hopes there were? To which his lordship answered, that there were hopes, for all the nation were generally for the Pretender, except such as had places, or money due to them from the government; that lord Orrery farther told him, that lord North, sir Harry Goring, lord Strafford, and others, were going to do a rash thing in favour of the Pretender, which he, lord Orrery, was sorry for, because it would prove abortive, and hinder its succeeding another time; that Layer asked him who was to have the command, and lord Orrery told him he believed lord North and Grey was to have the command, and that the said lord had a commission from the Pretender: that the lord Orrery called this design rash, because not duly concerted, nor supported by foreign forces, without which, he said, he thought they must be more than madmen to hope to do any thing to effect, for the Pretender's service. That he, Layer, the next time he saw lord North and Grey, which was before the encampment of the troops, acquainted him with what lord Orrery had said about the rashness of the design; that lord North and Grey replied, lord Orrery was a timorous fellow, and was always making difficulties, and schemes out of his own brain; that he knew nothing, nor should know; but that it was his, lord North's opinion, the Pretender might be restored by the people of England, without the assistance of any foreign force. That he, Layer, talked to lord North and Grey of his lordship's being general, but lord North said, he was not popular enough, that the duke of Ormond would be fit for it, and if they had him here, his lordship believed most of the soldiers would join him; that he, Layer, continuing to press lord North and Grey on this head, by telling him that he was fitter for a general, and was popular, the said lord answered no, the duke of Ormond was the man, he was the soldier's darling. That he, Layer, often talked of this affair, to the lord North, being induced so to do, by the impatience he observed in him, and in lord Orrery, that something should be done."

Matthew Plunket, serjeant of invalids, has deposed upon oath, "That Layer told him (in July last) that the late duke of Ormond would come in a single ship with some officers, and that it had been done long ago, if the French ambassador had not been told of it, who told it again to the King."

It appears to your Committee from several depositions on oath, as well as from Informations and written intelligence, that in consequence of this design of bringing over the late duke of Ormond, captain Charles Halstead, a Lancashire man, (who was concerned in the insurrection intended at Oxford in the year 1715) set sail from the river for Bilboa, about the 12th day of March 1721-22, on board the ship Phineas of Bristol, William Arnold master, with a provision of arms and powder on board, which one of the sailors on his examination declared, "He apprehends to have been greater than was necessary for an ordinary trading voyage. That the said ship was hired at one hundred pounds freight per month, two

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hundred being paid in advance (as Halstead himself owned) and had no goods nor any passenger on board, except the said Halstead, who went by the name of Nowell, and was known to the master and sailors by that name only, during the voyage to Spain. That the said ship was cleared at the custom-house in ballast for Lisbon; but that when they came into the bay of Biscay, the master, who had orders to follow Nowell's directions, gave private instructions to the pilot to steer to Bilboa: that they arrived there on the 25th of March, O. S. and that Halstead went on shore, and lay that night, at Mr. Brown's an Irish merchant, and the next day went forward towards Madrid, being furnished with horses by the said Brown, on which journey he was absent about a fortnight; that during his absence, a report was current all over the town of Bilboa, and particularly among the convents, that the said ship was come to fetch over the late duke of Ormond;" and Thomas Carter, one of the sailors of the said ship, who was employed by Halstead to wait on him as a servant, has deposed upon oath: "That three days after the said Nowell's return, the deponent heard him propose to the abovenamed captain Arnold, to carry the late duke of Ormond and four other passengers to England; which the said captain Arnold refusing to do, the said Nowell insisted, saying the ship was his so long as he paid the hire of her, and the wages and victualling; and they had high words upon it. Carter farther deposed, that Halstead received a letter directed to colonel Nowell Butler, which was the name the said Nowell went by, when he was in Spain. That when the ship was released, they plied off and on about four hours off St. Andero, expecting somebody to come off in a boat, but nobody coming and night drawing on, they made the best of their way to England, and arrived in the Downs the beginning of July last." Allison, who came over to England a passenger in the said ship, has deposed upon oath, "that he left Madrid on the 4th of June, N. S. and that some time before he came away, the late duke of Ormond, who had resided a considerable time at Madrid, had sent away his horses and equipage from thence, and put his servants on board wages, and that it was reported he was to go to Ventosilla. That he, Allison, upon his coming to Bilboa, found the ship Phineas bound for England, but stopped; that he agreed to take his passage on board her, and going to the corregidor of Bilboa for a pass, he found there Mr. Brown a merchant, and one who went by the name of Nowell: that Brown asking the corregidor why the ship was stopped, he said, it was not the ship, but Nowell's person that was detained, by orders from Madrid; that he, Allison, heard a report at Bilboa, that the late duke of Ormond was on the coast in disguise, and that Nowell had been at Madrid, and come back again in fifteen days; the expedition of which journey, and the ship's coming in ballast, had raised a suspicion in Bilboa, that Nowell came over to the late duke of Ormond on account of the conspiracy. The sailors observed, that during Nowell's stay at Bilboa, brigadier Campbell (a person concerned in the Preston rebellion) was frequently on board with him, but did not care to own his name." The same particulars are confirmed by letters from sir Anthony Wescomb, who was sent to Spain to gain intelligence, with several other circumstances relating to ships, arms, and recruits, provided for the Pretender's service in Spain.

During these transactions Colonel Stanhope, his Majesty's ambassador at Madrid, who does not appear to have known any thing of this ship's being come to Bilboa, having received intelligence from other hands, that the duke of Ormond was preparing to set out for England with some Irish officers, in order to put himself at the head of the rebels, obtained orders from the court of Madrid, to hinder the late duke of Ormond's embarkation; as will appear more fully in the remaining part of this report.

In consequence of these orders, the king of Spain's officers came on board the ship, and laid an embargo upon her for about a fortnight, till Halstead finding himself disappointed of his design, agreed that part of a cargo of wool and iron should be put on board the said ship by Brown and Slinger, and then returned to England with one Maxwell, whom the sailors understood to be a relation of the late lord Marr's, and two other passengers, and arrived in the river about the 7th or 8th of July.

About the beginning of May a letter was intercepted here, coming from Spain, directed to Monsieur Dumville Procureur, and inclosed under cover to one Wilmore at Mr. Stokoe's, bookseller near Charing-cross; who is meant by the name of Dumville, the committee have not been able to discover.

In this letter, was inclosed the copy of a letter which the committee have reason to believe was from the late duke of Ormond, to some person abroad, the initial letter of whose name is discovered by the decipherers to be L.

The letter to Dumville, as well as the copy of the late duke of Ormond's letter, was writ partly in cypher; and among the words out of cypher several fictitious names were made use of, which the Committee observe is the case also in several others of the intercepted letters referred to them.

It was reasonable to expect, that in managing correspondences of so hazardous a nature, all sort of art and industry should be used, and all the help of cyphers and jargon called in, to disguise the real designs, and to conceal the true names of the persons concerned, in order to their avoiding the danger of legal conviction: But your committee likewise observe, that several of these disguises are so gross and obvious, that they only serve to betray themselves; others of them are explained by the skill of different decypherers, agreeing in the same explication, which explication is again confirmed by facts unknown to those

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persons at the time of the decyphoring. Others are explained by cyphers and lists of fictitious names, seized on the conspirators themselves, as well as by comparing the several parts of their correspondence together; and others again by direct informations upon oath. And, as the degrees of evidence, in a search of this nature, must be various, the Committee have taken all the care they can, to distinguish what appears to them fully proved, from what is supported by strong and probable conjectures only.

In this letter to Dumville, dated the 27th of April 1722, N. S. mention is made of its being publicly known in Spain, by letters from Bilboa, and other parts, "that a ship came to Bilboa, with an express to Ormond, in order to bring Ormond to England; that the said express went to the place where Ormond was; that this had made so much noise, that it was necessary to send to England with all possible dispatch: that a ship's coming with ballast only gave occasion to those reports; and that in order to stifle them it was necessary to put in the ship goods for England: that this would be a considerable expence to Tom, who hopes that friends will consider it, and send him if possible a greater supply than the 5,000*l.* that he wrote for in his of the 6th and 20th of April; that the bills must be sent directly to B—, and may be bought at the Exchange of London."

The Committee are of opinion, that by B is meant Brown the Irish merchant at Bilboa, because the cargo was put on board by the said Brown and Slinger; and it appears by subsequent letters that this Brown had 12,000 arms in his custody, for the service of the late duke of Ormond. It is also proved by the sailors, that Halstead was frequently in company with this Brown, and his nephews, and lay sometimes at his house.

Who is meant by Tom in the said letter, the Committee will not take upon them to determine, but they believe it will appear probable to the House, from the connection and other circumstances, that it must mean the late duke of Ormond.

The person that writes this letter to Dumville, adds, "That since Mrs. Chaumont cannot meet Ormond at any place on the road, it is absolutely necessary that Ormond should have as good a preparation of arms as can be had there; and in order to make it, he will want more money from friends."

The same person says, That he had that day received a letter, importing, "That M—— could get more arms if he had more money." The Committee are of opinion, that by M—— is meant Morgan, who is mentioned in several letters from Spain as intendant of the Pretender's ships at Cadiz, and active in procuring officers and arms; which letters are confirmed by the seizure of the ship Revolution at Genoa, of which it appears by captain Scot's letter from Genoa, that Morgan had the chief care, going by the name of Walton; which is again confirmed by a letter from sir Anthony Wescomb at Bilboa.

The person that writes to Dumville, farther adds, "That Ormond hopes Onslow and Hawley will send a part of the money they have raised directly to Ormond; for Ormond, upon the hopes of it, has sent credit to M——; he desires Dumville to mind this, and not to lose a moment."

Who are meant by Onslow and Hawley, the Committee cannot determine; but they are inclined to believe, that they are the same persons, who in another letter, inclosed to Wilmore soon after, and writ in the same cypher, are found by the decypherers to have the initial letters of their names, G——, and N——; in which conjecture they are the more confirmed, by a cypher seized on John Plunket, in which the real names beginning with G. are constantly designed by fictitious ones beginning with H. the letter immediately following in the alphabet, and the real names of the letter N. by others beginning with O.

In the letter to Dumville, abovementioned, was enclosed the copy of a letter from the late duke of Ormond to L. which was sent to Dumville as being in part an answer to one received from him; who is meant by L. the Committee cannot determine.

In this letter, the late duke of Ormond mentions his having received an account from D—— (general Dillon probably) that he had procured 10 thousand arms, and advises the joining stocks with D——, since they cannot have too many arms; and says, he can only depend on two thousand arms from M—— (Morgan probably) but that he could have had more arms, if he had had more money.

The Committee observe, that this account of ten thousand arms procured by D——, and of two thousand by M——, agrees exactly with an account sent soon after from Mr. Stanhope at Madrid, and confirmed by sir Anthony Wescomb, that twelve thousand arms were lodged in the hands of Brown at Bilboa, for the Pretender's service, and that Morgan was ordered to the Bay of Biscay, in order to transport the said arms to England.

The Committee take notice likewise, that the very same number of arms is mentioned in a letter, writ, as they have good reason to believe, by George Kelly to general Dillon's secretary, and the arms are there spoken of, as provided by Mansfield's relations, which name George Kelly explained to Neynoe, to mean the late duke of Ormond.

The circumstance of Kelly's mentioning these arms to Dillon's secretary, makes it probable that by D. in Ormond's letter is meant the said Dillon, who, as your Committee are informed, is an Irish Roman Catholic, and quitted Ireland on the capitulation of Limerick, and is at present a lieutenant general in the French service, and has the command of one of the Irish regiments in France; and he appears to your Committee, from several parts of the intercepted correspondence, to have the chief management of the Pretender's affairs, and to be the principal agent and director in carrying on this conspiracy.

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Ormond in his letter to L———, afterwards says, "That since the parliament is dead and gone, he thinks it will be a good time to make an effort, when the elector is gone to Hanover; and adds, I hope you have agreed with D—— the time of going for England, and when that is fixed between Mrs. Chaumont and D———, you will let Ormond know the place of landing in England. I desire an express may be sent to me, with particular accounts of what is agreed on." This, the Committee take notice, agrees with Mr. Stanhope's intelligence, that Ormond was going for England, and likewise with intelligence, sent from Rome, that the Pretender was to embark, as soon as two officers, relations of the late duke of Ormond, should arrive at Porto Longone; which circumstance makes it not improbable, that by Mrs. Chaumont may be meant the Pretender.

In the same letter to L——, Ormond says, "I have ordered H——'s ship, that I depended on, to return to England; it was not proper to make use of it, for reasons not necessary to trouble you with: there was no message sent by him, because of the uncertainty of the time of his getting to England."

This passage, the Committee are of opinion, evidently relates to Halstead's ship. Upon mentioning his sending back this ship, he immediately adds, "I have ordered M——'s ship to come to A——," which agrees exactly with Mr. Stanhope's account, that Morgan's ships were ordered to the Bay of Biscay, to transport to England the arms abovementioned, together with Ormond and what officers could be got; and it appears by subsequent letters from sir Anthony Wescomb at Bilboa, that the said ships, under the command of Morgan, did put in at Sainto Andero, which the Committee understand to be the place meant by A——, to which Ormond says he had ordered M——'s ship to come. The said ship's having put in at Andero, and staid there fifteen days, is again confirmed by a letter from Genoa, writ by captain Gardiner, who commanded the ship Revolution lately taken.

Soon after this letter to Dumville, another was intercepted here coming from Spain, directed 'A Monsieur Dodsworth,' not signed, enclosed under cover to Wilmore 'as the former' and writ in the same cypher; the most material paragraph of which is thus explained by the decypherers.

"I must again entreat you to use your utmost endeavours to get the 5,000*l.* from friends returned to O—— directly; the hopes given by G—— to expect a great sum, and by N——, that he had raised 20,000*l.*, induced O—— to supply M——, and to make other necessary provisions. If that money be not returned, it will fall heavy upon O——, and he will be disabled from answering the expectation of friends, therefore ought to be your first and greatest concern. All other actions are trifles in comparison of it; for the hopes of success depend principally on O——. I mentioned this in former letters, and friends are desired to return more than 5,000*l.* if possible. If they do, more arms, ammunition and officers can be had here, and the end of raising money by friends, is, to procure arms, ammunition, and officers."

To whom these letters were writ does not appear, but the committee observe that they are writ in the same cypher with three letters, which they have grounds to believe were from the bishop of Rochester; they observe likewise that the same cypher is sometimes made use of by George Kelly.

Mr. Stokoe the bookseller, being examined about Wilmore, under whose cover these letters to Dumville and Dodsworth came enclosed, could give no other account of him, but that he was one who once writ a letter in his shop, and desired him by a letter, dated Epsom the first of March, 1722, to take in such French letters as should come directed to him, and by another letter, dated Harwich, the 14th of May, desired him to take in no more; that he, Stokoe, did receive two letters from abroad so directed, which were fetched away and paid for by persons to him unknown.

That the late duke of Ormond was expected to head an insurrection in England, is farther confirmed by the following particulars.

Neynoe, upon his examination before a committee of lords of the council, declared, "That the first design in the spring, was to have been executed in London by seizing the Tower, and that the late duke of Ormond was then to have landed in the river; but upon discovery of the plot, and the king's not going beyond sea, it was put off for some time; that the bishop of Rochester, lord Orrery, lord North, and sir Harry Goring, were the principal leaders and directors of the whole design; and that Watson (whom he took to be the late earl Marishal) had told him, lord North and Grey was thought of for the command."

On the 29th of April, O. S. intelligence came from France, "That the week before the late duke of Ormond had made application to the Regent by a person of great distinction, for leave to pass through France, under a pretence of going into Italy; but that the Regent had absolutely refused him, and at the same time had dispatched the necessary orders to the frontiers of Spain, to hinder him from passing either openly or in disguise."

On the second of May, O. S. sir Luke Schaub sent advice, "That one Lesley had been looking out for lodgings at Paris for the late duke of Ormond; and on the 9th, that alderman Barber carried with him bills of exchange for fifty thousand pound sterling for the Pretender; and that the same sum was sent to Ormond by another hand, to enable him to make the necessary preparations in Spain and Italy." The committee observe, that this agrees, as to the division of the money, with a passage in another letter from Dillon's secretary to George Kelly, dated the 2d of May (N. S.) which will be farther explained in its proper place.

On the 23d of May O. S. sir Luke Schaub

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sent advice, "That the late duke of Ormond was to set out for Madrid, about the 20th of that month with his family, without its being known whither he was going; that it was believed he would give out that he was going to settle at a certain distance from Madrid, from whence he might steal away afterwards unobserved."

On the 28th of May, O. S. Mr. Stanhope writes word from Madrid, "That having had intelligence to be relied on, that the late duke of Ormond intended speedily to pass into England, with a great number of Irish officers at that time in the service of his catholic majesty, in order to put himself at the head of the rebels there, and for that purpose was to set out from Madrid the next day, under pretence of going for the rest of the summer to Ventosilla, a house of the duke of Medina Celi, half way between Madrid and Bilboa, but in reality to be thereby readier to pass to that port, and with less suspicion to embark from thence for England, whenever matters should be ripe for his so doing; he made application to his catholic majesty by the marquis de Grimaldo, for orders to be sent to all the ports of Spain, to prevent the said late duke's embarking with the officers above-mentioned, and received a letter from the marquis de Grimaldo (a copy of which is annexed to this report) acquainting him, that the king of Spain had directed such orders to be issued, and was ready on all occasions, more particularly on this, which regarded the quiet and tranquillity of his Britannic majesty's kingdoms, to contribute all in his power towards his Majesty's satisfaction."

Andrew Pancier, formerly captain lieutenant of lord Cobham's dragoons, has deposed upon oath, "That being grown intimately acquainted with Skeene, (now in custody) a person related to Marr, and engaged in the rebellions of Preston and Glenshield, Skeene began to acquaint him, about June last, that there was a design carrying on in England, for placing the Pretender on the throne, at which he, at different times, told him the following particulars: that six or eight battalions of Irish foot double officered, were to have come over from Spain, which were quartered upon the coast of Galicia for that purpose; that the nine Spanish men of war which have joined the Dutch, and four more to have been fitted out at Barcelona, and three at Alicant, (as he best remembered) being in all sixteen Spanish men of war, were to have been employed in this service. That these troops were to have landed either in Cornwall, or near Bristol; that there were forty thousand stand of arms in Great Britain, part in Scotland, other part in London, other part in Bristol, and other part in Cornwall. That there were seven or eight hundred men with officers among them in London, subsisted, and in readiness for such an occasion. That a sum of two hundred thousand pounds had been raised by contribution for carrying on this design, and put into the management of the bishop of Rochester, who, with the lord North and Grey, were the leading men among them, and that lord Strafford and lord Kinoule, knew the thing. That the managers of this affair in Spain, were the late duke of Ormond and the late earl Marishal, and those in France, the late lord Marr and lieutenant general Dillon. That the court of Spain was in their interest, but as to the Regent and cardinal Du Bois, they could not tell what to make of them: that this design was to have been executed some time ago, but was then disappointed by the Regent; that the late duke of Ormond and the late earl Marishal were to have come with the troops before mentioned from Spain; and the Pretender about the same time was to have left Rome privately, and to have lain concealed somewhere near, from whence he would have come over when there had been a fair prospect of success. That as to any opposition they could expect, we had but fourteen thousand men in all, of which three thousand were necessary to guard London, three thousand more for Scotland, and two thousand for the garrisons, so that the remainder would never dare to attack those who came from Spain: and in the confusion, their (meaning the Pretender's) friends would have been able to have got together, and made a head. That in the conduct of this affair there passed little in writing, and only the four lords before mentioned, viz. the bishop of Rochester and lord North and Grey principally, and lord Strafford and lord Kinoule, were concerned in the management of it here: that the business was to have been done before the Dutch troops could come to our assistance."

The Committee have laid these several particulars together, though of different dates, that the House may see at one view, the reason there is to believe, that the late duke of Ormond was to have landed in England with officers and arms, about the time that it was generally supposed his Majesty intended to go to Hanover. The reason of Ormond's not coming, is sufficiently explained by the orders issued at Madrid and in France, by the King's not going abroad, and by the discoveries and disposition of the forces made in England. And notice is taken, in letters to one of his Majesty's secretaries of state from Rome, that a person of great distinction at that place, had declared it as his opinion, that the grand project formed in the conclave for placing the Pretender on the throne of Britain, was going to be put in execution; but that the same person afterwards assigned four reasons for its having miscarried, which were, the want of money, the suspected faith of the Regent, the want of skill in those who were to conduct it, and the pusillanimity of the Pretender; who, to avoid hazarding his own person, proposed to send his child: which last particular is again mentioned in another letter from Rome.

The Committee now return to shew what other evidences they have before them, of a design laid for beginning an insurrection in London, at the time when it was supposed the king intended to go to Hanover.

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About the latter end of April, his Majesty received intelligence from abroad, upon which he can intirely depend, "That a design was laid for bringing in the Pretender, which was thought to be so well concerted, and conducted by persons of such experience, that if the secret was but kept, as was proposed, the success was looked upon as infallible, and that it was to be put in execution about the end of April, or beginning of May." The original letter containing this intelligence has been communicated to your Committee, and an extract of it is annexed to this report.

On the 29th of April the same intelligence was repeated, with these farther particulars, "That the conspirators did no longer think it necessary to insist on foreign assistance, flattering themselves that great part of the king's own forces would declare in their favour. That they now contented themselves with desiring the Regent should observe a neutrality between his Majesty and the Pretender; and that lord Lansdowne was to present, or cause to be presented, a memorial to the Regent to this effect, that day or the next. That the design was probably to be executed in London; that the beginning of May was the time fixed on; and that the Pretender was speedily to set out for England."

Your Committee do not find that the above-mentioned memorial was presented to the Regent; but in letters from Plunket to Dillon they find the same repeated in these words; "If the Regent stands neuter, we will soon bring the Law Suit to bear;" which Layer explained to be the Pretender's cause.

On the 24th of April, O. S. Mr. Davenant, his Majesty's minister in Italy, sent an express from Rome, with advice, "That the Pretender's adherents were making preparations in Cadiz, and other ports of Spain, for an attempt on England; that the Pretender was speedily to embark at Portolongone, and was retired from Rome for that purpose;" and it appears, that the same advice was soon after confirmed to his Majesty, by a foreign minister residing in England, who received the intelligence from a person of great distinction abroad, and communicated it to his Majesty.

On the 9th of May, Mr. Craufurd, his Majesty's resident at Paris, writes word, "That the Jacobites in France, expected soon an insurrection in England, which was to be begun by the heads of their party here, soon after his Majesty's setting out for Hanover, and was to be supported by Irish officers and soldiers, who lay ready at Cadiz, besides such as should be able to pass over into England from France by stealth;" and in his letter of the 26th of May, O. S. he adds, "That the grounds of this expectation were, assurances given from England, that the conspirators would immediately make themselves masters of the Tower and city of London."

This intelligence agrees with a paper delivered to the secretaries of state in July last, by one of the lords of his Majesty's council, who, as they have certified, assured them, that a person, whom he had good reason to believe to be deeply concerned in the conspiracy, came to him in the month of July and brought him a paper, which he affirmed he had copied by stealth out of the scrutoire of a noble lord, whom he refused to name, and that the said person writ out a fair copy of the paper in his presence, which contains minutes of resolutions taken at a consultation, and is in the following words:

"R. That the arms be dug up immediately and dispersed in small parcels. Begin in Southwark, Whitechapel, Wapping, Holborn and Smithfield. March into city. Possess the gates. Against the horse, barricades in the narrow streets, especially at both ends of Fleet-bridge, Shoe-lane, Fetter-lane and Chancery-lane. Possess St. Clement's church-yard by a party from Holborn. A strong barricade in the narrow part of that street. Line the two first stories. Bricks, stones, &c. may be useful in the upper rooms, and may be thrown by women and others unfit to bear arms. Lighters, with ammunition under coals, lie at Blackfriars and Milford-lane. No dependence or assistance from Westminster and those parts, except some few by water, the communication being cut off. Message to the lord mayor by three lords. Proclamation made to oblige all who shall not come in, to bring in their musquets and militia arms. Declaration ready printed, to be dispersed among the people. Twenty-three officers of the guards to be depended on: a great many others well affected, especially the common centinels. Day resolved on, April the 30th. R. That forty determined persons be immediately pitched upon, armed with swords and pistols, to execute all orders, and that for the subsistence of the said forty gentlemen, money be advanced out of the fund, at the rate of seven shillings per diem for man and horse. Commander in chief, lord N. Time, seven in the morning."

"Dis. C. W. M."

The Committee make no doubt but the House will readily observe, that this scheme drawn up in April, and delivered as aforesaid to one of the lords of the council, in July last, has a near affinity with that of Layer, and appears to be the ground-work of it, though Layer denies his having ever seen any such paper of resolutions, or having received any instructions relating to his scheme, except from Wilson a surgeon, Murphey a physician, and White a serjeant.

The Committee likewise observe from this and Layer's scheme, as well as from a letter of Sample's (of which notice will be taken in its place) that the involving the city of London in blood and confusion, appears to have been universally understood and agreed on among all the conspirators, as the first step to be taken, and the foundation of their future hopes.

By another paper delivered in July last by the same person, it appears, that when the stroke was struck in London, there were to be

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insurrections in several counties of England, and that the numbers of gentlemen and private men, to be depended on both in London and the country were computed and set down; and the Committee observe, that the extending the insurrection to the country, after London was seized, makes likewise a part of Layer's scheme, and Sample's letter.

The Committee farther take notice that in these schemes as well as in Pancier's deposition, mention is made of great quantities of arms concealed for the use of the conspirators, and Layer having confessed at his examination before the lords that he supposed there were arms provided, and that Green the gunsmith being in company with lord North, had mentioned 5,000 arms, and 7,000 arms, and insisted, in contradiction to lord North, who bid him hold his tongue, that there were 5,000 arms ready in the city, the Committee examined him particularly on this head, but could draw nothing more from him, than that Green had told captain Bonyn at lord North's that he could help him to 5 or 7,000 arms at an hour's warning. And though your Committee is fully satisfied that no care has been wanting elsewhere to discover these arms, and to defeat the conspiracy in so essential a circumstance, yet they cannot but think it a melancholy consideration, that, through the determined obstinacy of the conspirators, these endeavours have hitherto proved unsuccessful.

The Committee observe farther that in the paper of resolutions, mention is made of a fund of money provided, and of a great number of determined persons subsisted in London, for the purposes of the conspiracy, for the execution of which a day was likewise fixed on and appointed, and the commander in chief known. All which several particulars correspond exactly with the intelligence received at the same time from abroad, with Pancier's deposition, with what Layer owned lord Orrery had told him, that he believed lord North and Grey had a commission for commanding in chief, and with what Neynoe was told by Watson, that lord North and Grey was thought of for the command, as likewise with what was told Matthew Plunket by Layer and John Plunket, that lord North and Grey and others were ready to head an insurrection.

Your Committee having thus laid before you the general evidence, which convinces them that a design was formed by persons of distinction, to invade these kingdoms with a foreign force; that being disappointed in this expectation, they still persisted to make an attempt, with such officers and soldiers as could be procured privately from abroad; that the late duke of Ormond was to have landed for this purpose, and to have been followed by the Pretender; that arms and money were provided, and men subsisted for this service; that the insurrection was to have been begun in London, and thence to have been extended over the whole kingdom; They will now proceed more particularly to explain the several parts, which the leaders and inferior agents appear to have taken in conducting this design, as far as the same can be collected from the intercepted correspondence and other papers referred to them, and from the examinations of the persons concerned, by which it will farther appear to the House, that the design was constantly prosecuted in all parts, without any other relaxation or intermission, than what the necessity of their affairs, and the discoveries made, obliged them to, in order to lay their measures deeper, and to make the success of them more certain; and that the enterprize, which was first calculated for the spring, was to have been afterwards put in execution at the breaking up of the camp, with the help of officers and soldiers from abroad, if they could be obtained; if not, on the strength of such as they hoped to be able to corrupt and seduce among his Majesty's own forces.

The leaders, in order (as it is natural to believe) to save themselves from the danger of legal conviction, chose to manage their correspondences by the intervention of persons of a meaner rank and figure, and of desperate fortunes, who, they hoped, might escape the observation of the government, being no otherwise considerable, than as the trust reposed in them made them so.

The Committee think proper to take notice, that of these inferior agents, Layer appears to have been principally intrusted by lord North and Grey and lord Orrery, and that Plunket, who travelled with Layer to Rome, and whose treasonable practices and correspondences are closely connected with those of Layer, writes of himself as transacting part of his treasons with lord Orrery's clerk, and sends frequent accounts to the Pretender's agents abroad, of matters relating to the said lord.

George Kelly, a nonjuring clergyman, at present, (though in the late queen's time, the Committee is informed, he took the oaths to the government, and likewise the abjuration) appears to have been the person principally intrusted by the bishop of Rochester, and to have been employed in writing for him and conveying letters to him, until the time that he, Kelly, was first taken into custody; after which it appears to the Committee, that Thomas Carte, another nonjuring clergyman, was entrusted and employed by the bishop in the same manner; and the Committee observe, that George Kelly's correspondence has a close connection with that of Dennis Kelly, and likewise that he appears to have been privy to Plunket's and Neynoe's transactions.

The person employed by the duke of Norfolk, in conveying letters between him and George Jernegan, an agent of the Pretender's in Flanders, they find to be Mrs. Spelman, alias Yallop, who has likewise owned her conveying letters, in the same manner, between Mr. Harvey of Comb, and one Moor of Brownlow-street, and the said Jernegan; the Committee observe, that John Sample acted under the direction of Mr. Sempil (commonly called lord

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Sempill) and his son at Paris, and that he wrote letters to the late duke of Ormond and the Pretender; but whom he transacted matters with in England, your Committee do not find, by his examination, he would declare.

The Committee farther observe, that this treasonable correspondence extended itself into Scotland; that William Erskine remitted money to France, for the service of the Pretender's friends, and had a letter under the late lord Marr's hand found upon him, when he was taken into custody. That Mr. Cocran, now in custody, and others of that country, yet unknown, were concerned in the same treasonable correspondence, carried on under the same fictitious names and expressions that are made use of by several of the correspondents in England; and that the same cant was likewise made use of, for the same purposes, by persons in Ireland. That all these several negotiations and correspondences concurred in one common design, of stirring up an insurrection in these kingdoms, and placing the Pretender on the throne.

The Committee have thought it proper to lay before the House, such particulars as occur to them relating to each of these negotiations, and to begin with those of Layer and Plunket, as being closely connected with one another, and set on foot earlier than it yet appears the others were, and as being likewise what the House thought fit first to refer to the examination of the Committee; and by comparing the substance of the papers and examinations of these two persons together, the House will be enabled, at one view, to form a true judgment of the sincerity of their confessions.

Before the Committee examined Mr. Layer, they acquainted him, that the several questions they intended to propound to him were reduced into writing, and that, to avoid all mistakes, his answers should be so likewise; and, before they were reported to the House, he should have the perusal of them: accordingly he did review his first confession to the Committee, and made several additions and alterations, which will be taken notice of in their proper places.

Mr. Layer has owned partly to a Committee of Lords of the council before his trial, and partly to your Committee (as will appear by reference had to his several examinations annexed to this report) "That being bred up under an uncle who was a nonjuror in Norfolk, he early imbibed those principles; that having a private affair to transact at Venice, this and a natural inclination and curiosity, which he had always had to see the Pretender, carried him on to Rome; that he set out from England on the first of April, 1721, in company with John Plunket, now in custody, who went sometimes by the name of Rogers, whose expences he bore, on account of his being useful to him, as speaking several languages. That he believes from the time of his first acquainting Plunket with his intended journey (which was some months before their setting out) the said Plunket, in order to magnify his services to the Pretender and his adherents, might write to general Dillon, and others of them, that he was going to Rome with a friend, and that his and his friend's journey would be of great consequence to the Pretender's affairs" But this particular he did not own till the review of his examination, when he found the Committee were apprised that notice had been sent to Rome of his journey; for he insisted at first, that his journey to Rome was purely accidental, and not concerted with the Pretender or any of his agents.

He farther owned, "That, in their way to Italy, they passed through Antwerp, and that Plunket there received a letter from general Dillon, which he shewed to Layer, directing them whom to apply to, on their arrival at Rome, to introduce them to the Pretender;" and, on his reviewing his examination, when he found your Committee were in possession of that letter, he owned, "That Francis Kennedy was the person they were directed by Dillon to apply to." A letter to that effect being found among Plunket's papers, signed Dixwell, and the same being shewn by your Committee, to Layer, he declared, "That, to the best of his memory and belief, it was the very letter which was shewn to him by Plunket at Antwerp, and affirmed by Plunket to be from general Dillon; that he, Layer, believes, Dillon goes by the names both of Dixwell and Digby; and that by the name of Joseph, in the said letter, is to be understood the Pretender.

"That he and Plunket arrived at Rome the latter end of May, 1721, and that after he had been a day at Rome, he sent to Francis Kennedy, secretary to the Pretender, to let him know he should be glad to see him, and to renew acquaintance with him."

Being asked, when and where he first became acquainted with Francis Kennedy, he said, "That Kennedy has a brother, secretary to the late duke of Ormond, with which brother he had some acquaintance; and he thinks he has formerly been in Francis Kennedy's company at London along with the other brother, but as to this particular he cannot be positive." This is what he said relating to Kennedy at his first examination, and your Committee observed by his behaviour, that he was under difficulties how to account for his applying to Kennedy, not having owned, at that time, that he had any directions so to do, and being willing to have your Committee believe, that his journey was not known of at Rome; but after Plunket's examination, being uncertain what Plunket might have confessed, he thought it proper to be more open upon this head, though contradicting in some measure his own former confession. He farther said, "That upon his sending to Francis Kennedy, as above, the said Kennedy came to his lodgings, which at the same time he said he was surprised at, it being in the face of all the English gentlemen; but that Kennedy told him he needed not be

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uneasy at his coming to his lodgings openly, since he frequented the company of all the English gentlemen that came to Rome, without distinction: that at the first visit he desired Kennedy to introduce him to the Pretender, which he promised to do. That Kennedy came to him again the next night, and promised to introduce him to the Pretender privately in an evening, so that nobody should be able to prove his having been there."

And when he reviewed his examination, being asked by your Committee, whether he knew of any letter to Plunket, on their first coming to Rome, and being asked it in such a manner, as let him understand, that they knew from whom it came, and by whom it was writ, then, and not till then, he owned, "That he believed Kennedy delivered to Plunket a letter, under the Pretender's own hand, when Kennedy and Plunket were alone together; for the next morning, as he, Layer, was in bed, in a room next adjoining to that where Plunket lodged, Plunket came to his bedside, and told him with seeming satisfaction, that he got a letter under the king's (meaning the Pretender's) own hand, but that Kennedy never said one word of this letter to him, Layer. That Plunket shewed him, Layer, the said letter, the whole of which he believes to have been writ in the same hand in which the blank receipts taken amongst his papers at Mrs. Mason's are signed, which he believes to be the Pretender's own hand. That the substance of the letter was, that the bearer, Francis Kennedy, would introduce Plunket to the Pretender. He said, he could not be positive, whether it was said in that letter, that Kennedy would introduce Plunket only, or whether he himself was mentioned likewise to be introduced by Kennedy. That Plunket told him he saw the Pretender the night before Layer was introduced to him."

This original letter has since been delivered to your Committee, with the depositions relating to it, by which it appears that Plunket delivered it with other papers to one Mary Fagban about Michaelmas last, which was near the time of Layer's being taken up; it is dated Thursday morning, signed James R. and directed to Mr. Plunket, and is in the following words:

"This is only to direct you not to mention any thing of business to any body till I have seen you. I have not much leisure to-night, expecting visits; but however I shall be glad to see you alone, and agree with you the most private way and manner for your companion and me to meet. The bearer, Fr. Kennedy, will bring you very privately to my house to-night about eight o'clock.

"For Mr. Plunket. JAMES R."

Your Committee observe from this letter, as well as from other papers before them, what a degree of trust and confidence Plunket was admitted to, (notwithstanding he would endeavour by his present appearance to make it seem incredible) and perceive likewise by this letter, that his and Layer's journey to Rome had been represented to the Pretender as an affair of some importance.

Layer farther said, "That Kennedy, in his second visit, appointed him to meet him and colonel Haye in the square before the Pretender's house at ten the next night: that he met them there, and that they conducted him up a pair of back stairs to the Pretender."

Before the Committee proceed to give an account of the conversation which Layer says he had with the Pretender, they think it proper to observe, that among Plunket's papers were found two foul draughts of letters, which are sworn to be Plunket's hand-writing, which give some light to the occasion of his and Layer's journey to Rome; the first is without date or direction, but appears evidently by the matter to have been writ to the same person and about the same time as the second, which is dated the 22nd of March, 1721, (about ten days before his and Layer's setting out) and directed to Mr. Jackson, which name is found in a cypher among Plunket's papers, and sworn likewise to be his hand-writing to denote the Pretender.

In the first of these foul draughts are these words: "There is one that sets out from Norfolk in a few days to let you know they' (that is the Tanners, which he explained to Layer to mean the Tories) will stand by you on occasion; he only stays for me, and offers to bear my expences; so that I shall wait on you, and have the satisfaction to tell you by word of mouth what will be acceptable. He carries The List with him; no doubt on it you may have many such now."

In the Letter to Jackson of the 22d of March are these words: "The gentleman I mentioned to you formerly, is come out of the country with instructions to wait on you, and tender you their service. He offers to bear my expences."

From these passages compared with the Letter received by Plunket, from Dillon, at Antwerp, in which Dillon says, "I have sent Joseph advice of your journey, in which I wish you and your companion, though unknown, all happiness;" and then directs him to apply to Kennedy, at Joseph's house, for introduction; and compared likewise with the Pretender's letter to Plunket, in which he directs him not to mention any thing of business to any body, till he had seen him alone, in order to agree with him the most private way and manner for meeting his companion: it appears to your Committee to be the most evident, that Layer did not undertake so long and expensive a journey, on uncertain prospects of private business, or out of mere curiosity; but that his journey was concerted with the Pretender's friends at home, and notified to the Pretender and his agents abroad, and that he carried over with him tenders of service to the Pretender from persons in England, as likewise a List of names, which was of such importance, and so well understood and expected at Rome, as to

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be mentioned by Plunket in one of his letters to the Pretender, without any other description, than barely that of The List.

The Committee thought this observation the more necessary to be premised, because Layer did of himself own to them his giving to the Pretender a list of names, and the Pretender's asking him, at a second interview, what he had to say in relation to his List; but yet endeavoured to explain that affair, in such a manner as your Committee apprehend to be no ways consistent with Plunket's foul draughts above-mentioned, nor with the expectations that seem to have been raised in the Pretender and his agents, from Layer's and Plunket's journey.

Layer told your Committee, "That on his being introduced to the Pretender, by Kennedy and Haye, as above-mentioned, the Pretender asked him the occasion of his coming, and whether he had any credentials from people in England; that he answered, nothing but curiosity, and a desire of paying my duty to your majesty, has brought me hither; that the Pretender asked him, what lords he was acquainted with? To which he answered, none but such as he was concerned with in the way of his profession; that the Pretender again expressed himself surprised at his having no credentials nor recommendations from any person in England, and said, this journey must have been very expensive to you, I believe it cannot cost you less than 500*l.* To which he answered, That a private affair, which brought him to Venice, would have defrayed the expence, if it had succeeded, but that being disappointed in that, his inclination drew him on to Rome, to pay his duty to the Pretender, which he had long had in his thought, so took this opportunity of doing it; that one Plunket, who was now in Rome with him, had often told him, that he need not fear being introduced, or to that effect; that the Pretender said, he believed, that Plunket was a very honest man, and as proper a person as Layer could have had for a companion."

The Committee observe, that what is here said concerning the Pretender's good opinion of Plunket, and Plunket's having given assurances to Layer, of his being introduced, was not mentioned by Layer, till after Plunket had been examined.

Layer farther said, that the Pretender again repeated his surprise at his having no recommendation from any person in England; but said, I am informed by Francis Kennedy, who knows you, that you have a good character, and for that reason you are welcome without any credentials. Yet your Committee observe, that Dr. Blackerby Fairfax, an intimate acquaintance of Layer's, has deposed upon oath, "That Layer, since his return from Rome, told him, that while he was in private audience with the Pretender, a Scotch colonel broke in upon them: upon which the Pretender took him into another room: and that he, Layer, did there deliver his credentials to the Pretender.

Layer told the Committee, "That the Pretender, after the discourse above-mentioned, asked him what county he was of, and what gentlemen he knew; that he answered he was of Norfolk, and knew all the Tory gentlemen of that country; that the Pretender asked him if he could recollect their names, and put them down in writing; to which he answered, he could easily do that, having brought with him memorandums of their names; that accordingly, he drew up a fair list of the Tory gentlemen of Norfolk, and gave the said list to the Pretender at a second interview, thinking it would be agreeable to him. That the Pretender then asked him, whether he would see the queen, meaning his spouse, and promised she should admit him to kiss her hand."

"That about three weeks or a month after, Francis Kennedy and colonel Haye, appointed him to meet them at the same place and time as before, and introduced him to the Pretender and his spouse; that the Pretender then called him to him, and asked him, whether he had any thing to say in relation to his list; that he answered, he forgot something which he had to communicate to his majesty; that the Pretender said, his wife would go out of the room presently, and soon after spoke to her in Italian, to withdraw, as he believes. That the Pretender then asked him, what he had to say; to which he replied, I have nothing so material to offer as ought to have procured me this great honour and indulgence; but if there be any service on earth I can do, I am most ready: that the Pretender said, what can you do? have you any acquaintance? to which he replied, that all the persons mentioned in his list were intirely devoted to the Pretender's interest, and all the gentlemen in England the same, except those in places of profit and trust, and that all parties were united in his interest. That the Pretender then asked him, what the gentlemen were whose names were on his list: to which he answered, they were all Tories, and that he had not put down any of the Roman Catholics of Norfolk, of whom there were several, men of estates. That the Pretender said, he believed the people of England were generally well inclined to his cause, and pretty well convinced of their error; and then spoke of the discontents occasioned by the South-Sea scheme."

The Committee observe, that in the cypher, which Layer received from sir William Ellis; the names of several Norfolk gentlemen are inserted, who they think it probable made a part of the list delivered by Layer to the Pretender; but at the same time they think it a justice due to those gentlemen, to observe, that Layer has owned to the Committee, that, in order to magnify the number of the Pretender's friends, he did in several of the lists found among his papers, insert the names of persons, as well affected to the Pretender's service, without having the least authority from them for so doing; and his false assertion to the Pretender, that all the gentlemen in England, except those in places of profit and trust, were intirely devoted to his interest, shews, that he

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made no distinction between the innocent and the guilty.

He next acquainted the Committee, "That after the discourse beforementioned with the Pretender in relation to the list, the Pretender commended his zeal, and told him, he might depend on any service he could do him. That he, Layer, then desired some token, by which he might obtain credit among the Pretender's friends of the nobility in England, and obtained that of the Pretender and his spouse's answering for his child;" which the Committee avoid repeating, the account he gave them agreeing with that printed in his trial. He said "That upon his desiring a letter to the duchess of Ormond, for her representing the Pretender's spouse, colonel Haye told him no letter could be sent by him, but that care would be taken the duchess should stand. That he likewise gave him a message to the duchess, to this effect, that the duke of Ormond was well, and gone to Madrid, by which he told him, she would understand the business he came about.

"That he returned to England about the end of August or beginning of September 1721, and waited on the duchess with his request, adding, that he hoped she was not altogether a stranger to that affair; to which she returned him no particular answer, but promised to stand god-mother, as he desired.

"That he then made application to lord Orrery to stand with her, by Thompson, whom he took to be her chaplain, and by Swortfegger, lord Orrery's secretary, who understood that lord Orrery was desired to represent the Pretender; that the said lord sent to the duchess to know whether she stood, who answered that she did; yet lord Orrery refused; but upon farther acquaintance, and hearing that lord North and Grey had consented to stand, he sent for Layer, and made excuses to him for this refusal. That he made use of this credential to lord Orrery, to induce him to converse freely with him in relation to the Pretender's affairs; having heard that the said lord was in the Pretender's interest.

"That upon his being refused by lord Orrery, he made his application to lord North and Grey, as mentioned in his trial. who stood, knowing, as he believes, that he stood for the Pretender. That this transaction was the beginning of his intimacy with lord North and Grey.

"That the first conversation he had with lord North relating to the Pretender's affairs, was soon after the christening; that he then asked lord North, whether nothing could be undertaken in the Pretender's favour, his lordship being a military man. That his lordship replied, he believed the Pretender had friends enough, if they did but understand one another; that the army in general, and most of the half pay officers, were well inclined to the Pretender.

"That in July last, he, Layer, going down to Norfolk on the circuit, called on lord North at Epping, and again at his return; that he then asked the said lord again, whether nothing could be done, in favour of the Pretender; that the lord North said, how can any thing be done, while so great a body of forces is encamped under the very walls of London, besides the encampments in other parts of the kingdom? That Layer told him, he found most of the gentlemen in Norfolk that were tories before, jacobites now; that lord North and Grey said, it was the same in other counties, but that nothing could be done till the camp should break up. That upon Layer's pressing him to know whether any scheme was formed, lord North said, what does your friend lord Orrery think of things? that he answered, lord Orrery was of opinion, nothing could be done without a foreign force; that lord North and Grey replied, I cannot be of his opinion, I believe the people of England may do it of themselves.

"That Layer, visiting him during the vacation, and staying two or three days at his house, continued to press him about forming a scheme; that lord North replied, we soldiers do not trouble ourselves much about schemes, be you quiet, something will be done." And at his examination before the lords, he owned, "That lord North and Grey said, if there be a rising, you shall not want men, or money, or arms."

Layer farther gave your Committee an account of his becoming acquainted with Lynch, and of his carrying him to lord North and Grey, upon Lynch's telling him that he had something to propose to the said lord, that might be of great service to the Pretender's cause. But in giving an account of what passed between Lynch and him at the Green Man, your Committee observed, that Layer took great pains to shew, that he did not communicate any papers to Lynch till after dinner; and that he then only shewed him memorandums, transcribed out of the prince of Orange's declaration, though Lynch has deposed upon oath, that mention was made, in that paper, of lord Cadogan's being seized and remaining in the custody of the conspirators.

He owned to your Committee his having carried Lynch to lord Cadogan's, but said, "he went thither only in relation to the purchase of an estate; that while they were waiting there in a room next the garden, Lynch viewed the garden and house, and said, I can easily seize you this general; but he denied their having had any previous discourse to this purpose, and said the proposal arose from Lynch, and that he, Layer, was mad enough to make it part of his scheme."

He said, "That when Lynch and he came to lord North and Grey's, his lordship asked him who Lynch was; that he said, he was an honest gentleman, recommended by a particular friend: that his lordship said, I wonder you would bring him; you know I am not easy nor free before strangers; that however lord North and Grey entertained Lynch civilly, and after supper inquired of him, whether he was in

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the army; to which Lynch answered, that he was bred up to merchandize, but had been with the Pretender in Scotland, and had the command of a ship under the king of Spain in the descent on Scotland; and enlarged much on his loyalty and zeal for the Pretender: but that lord North waved the discourse."

"That not long after, Lynch came down again to lord North and Grey's to Epping, while Layer was there a shooting, and was civilly received by his lordship; and that after he was gone, Layer making apologies for Lynch's intruding, lord North and Grey said Lynch was a good honest fellow, and had entertained them with several merry stories."

The Committee observed, that Layer in relating what passed while Lynch was at lord North's, took so much pains to shew that lord North and Grey could have no private discourse with Lynch, that he left no room for the said lord North's having had any private discourse with him, Layer, which is yet inconsistent with his examination taken before the lords, as well as with his confession to your committee; in another part of which he owns, that while Lynch was at lord North's, he, Layer, shewed lord North some part of his scheme or heads relating to a declaration, as he was walking with him in the garden: and that they had some discourse upon it.

They observe likewise, that what he owned to the Committee in relation to his introducing Lynch to lord North and Grey, falls very short of what he confessed to the lords of the council on the same subject, previously to his trial; for he then said, "That Lynch having told him he would seize lord Cadogan, he carried Lynch to lord North and Grey's, and recommended him as a proper person for such an attempt: that he had before-hand proposed to lord North and Grey the carrying Lynch to him; that his lordship made a difficulty of seeing him, but that he, Layer, insisted on Lynch's being an honest man, fit to be employed in an insurrection for the Pretender, saying Lynch would do any thing his lordship would have him, if there should be a rising; that he was fit to be sent with a party to seize any particular person, and that Lynch was impatient to see his lordship, Layer having told him, that his lordship was at the head of those designs."

Layer farther acquainted your Committee, "That during his stay at Lord North and Grey's at Epping, in the vacation, he again pressed his lordship to bring matters to some issue in favour of the Pretender; saying if something be not done speedily, we shall all be taken up: that his lordship replied, is not the camp there still? If you can find some expedient, it would be well, it is more than I can do: that Layer said it was his opinion something might be done even during the encampment; and in order to discover whether lord North and Grey and lord Orrery had any scheme of their own, he drew up a scheme himself, and having so done, lodged it with Mrs. Mason, the day before he was taken up. That he intended to have communicated this scheme to lord North and Grey and lord Orrery; that he had some discourse with George Wilson, Dr. Murphey, and others, on the subject of it, before it was drawn up." Being asked, who those others were, he said, "He could recollect no one else but one who called himself serjeant White, whom he saw in company with Dr. Murphey at a tavern, and inquired of him, how far some parts of his scheme were practicable."

Being asked whether he had shewn this scheme to any body, he said, "He did shew the heads of it to lord North and Grey, as he was walking with him in the garden; and his lordship said, all was impracticable during the encampment: but that he never shewed his scheme to any body; after it was drawn up in the form in which it was left with Mrs. Mason;" which last part of his answer, the Committee observe, may be evasive, since by his own account, as soon as he had drawn it up in that form, he lodged it with Mrs. Mason, and the day after was taken into custody.

The Committee farther take notice, that the accounts he gave when he was questioned before the lords, whether he had shewn this scheme to any body, are inconsistent and contradictory.

For in some parts of that examination, he says, "Lord North and Grey would not hear of any thing till the camp was broke up; that the said lord would not see his scheme; that the said lord said, he might keep his heads and his schemes to himself, for there was nothing to be done, that the said lord said there was time enough for forming a scheme;" and yet in another part of the same examination, he says, "Lord North did not dislike a scheme in general, but disapproved his scheme."

Your Committee beg leave to make the following observations on these passages, with a design to shew the insincerity and inconsistency of Layer's confessions, and without presuming to draw from them any other conclusions.

First, That if what Layer said, was true, lord North must have perused and examined Layer's scheme; since a man that did not dislike a scheme in general, could not be said to disapprove any particular scheme, unless he had first considered and examined it.

The Committee observe farther, that the scheme itself does not appear drawn up by a man of Layer's profession, assisted only, as he would insinuate, by Murphey a doctor of physic, Wilson a surgeon, and White a serjeant; and they cannot but think it very extraordinary that this scheme, drawn up in August or September, should have so great an affinity with the paper of resolutions for the digging up the arms, &c. mentioned above, which was drawn up the April before, and yet that Layer should have had no sight of that paper, nor have received instructions or assistance, from any persons, who were privy to those resolutions, which he has declared to the Committee he had not, and the Committee are farther confirmed, that the scheme was not drawn up by himself, from

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a particularity contained in a deposition of Dr. Blackerby Fairfax, who has sworn, that being for four or five years past employed in reading civil law and French to the said Layer, he recollects that Layer once asked him the meaning of the French Motto, since prefixed to his scheme in these words; 'Au defaut de 'la force il faut employer la ruse;' and that upon Fairfax's explaining it to him, Layer said it had been explained to him in the same manner by others. Neither does the scheme appear drawn up at a venture, or merely with a view of engaging the Pretender's friends in the execution of this, or some other scheme of their own, as Layer would insinuate; but several passages in it, compared with his other papers, make it probable, that the officers, serjeants, soldiers, and arms, mentioned in the scheme, were first engaged and prepared, and then the said scheme drawn up, for employing in the best manner possible such a force as had been so prepared.

This appears by comparing these words in the third paragraph of his scheme ("And as there is eight serjeants, viz. three of the first regiment of foot guards, three of the second, and two of the third, all ready at an hour's warning to obey orders") with two of his papers taken with his scheme at Mrs. Mason's, viz. That which contains a list of thirteen serjeants of the guards, and another paper of Layer's hand writing, which contains eleven of these thirteen serjeants names, and eight of those eleven serjeants have marks set against their names; so that it may be concluded from thence, that Layer had been able to engage but eight of the said thirteen serjeants; and therefore in his scheme he mentions no more than eight serjeants.

The truth of this observation farther appears, by comparing Layer's said examination of the 1st of October, with the fourth paragraph of his scheme; for in that examination he says that George Wilson had assured him, that 200 of the soldiers in the camp had been spoken to and were ready; and therefore Layer, in the fourth paragraph of his scheme, mentions only 200 soldiers to be ready, and gives every one of his eight serjeants the command of 25 of the said 200 men. From whence it may be concluded, that the officer that was to seize the Tower, and the arms for executing the scheme, were also in a readiness.

It is farther remarkable, that Layer intended, as he owned to your Committee, to communicate this scheme in its present form, to lord North and Grey and lord Orrery; and yet several principal parts of it are not explained as things new, but referred to as matters already known and understood by the persons that were to see it, which could only be by previous consultations on that subject: for instance;

In the first paragraph it is said, "Let the general and only one officer of note in the camp agree upon a day for execution," which must have appeared a most absurd beginning to any body that had not had some previous discourse or notice, of several officers in the camp engaged in the design; and the same observation will hold, with respect to the paragraphs where arms are mentioned as provided; which shews, at least, that Layer believed those persons that were to see his scheme, had heard of arms that were provided.

In the third paragraph, George Wilson is named in such a manner, as makes it probable he was already known to those who were to have a sight of this scheme; and the Committee observe that Layer confessed to the lords that he had told lord North and Grey, that Wilson was a fellow who had served in the army, had a general acquaintance, and was fit to be employed if his lordship would make use of him; to which the said lord replied, that when he had occasion he would employ him.

In the thirteenth paragraph of the scheme it is said, "Let the general order four of the half-pay captains," without any farther description; which shews that Layer thought those to whom his scheme was to be communicated, knew already of half pay officers that were engaged, agreeable to what lord North and Grey had told him that most of the half-pay officers were well inclined.

In the nineteenth paragraph he allots part of the execution of the design, to the Duke's bargemen, without any other addition: which is a manner of expression no one would have used in a paper to be shewn to persons, who were intire strangers to the affair.

Layer being in the course of his examination desired by the Committee, to explain, by what services or merit on his part, the shyness, which he would have it believed, the Pretender expressed towards him at his first coming to Rome, and the little acquaintance he then had with persons of distinction at home in the Pretender's interest, came soon after to be changed into so great a degree of confidence both at Rome and here that he should be trusted with negotiating blank receipts under the Pretender's own hand for unlimited sums; he told the Committee, that during his stay at Rome he contracted a friendship with sir William Ellis, who is a servant of the Pretender's, and that at his leaving Rome he settled a correspondence by cypher with the said Ellis, and acquainted him from time to time how the Pretender's affairs went on here; but the Committee observe, that this general answer does by no means account for the terms of thankfulness and respect, with which Ellis writes to him from the Pretender; nor lay a sufficient foundation for his being admitted to so particular a trust. He said that in the course of his correspondence he writ to Ellis, that he had got acquainted with Burford and Symms (by the first of which names he meant lord Orrery, and by the latter lord North and Grey) and that if he had but blank receipts under the king's (meaning the Pretender's) own hand, he believed he could raise a considerable sum of

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money upon them, and put the Pretender's affairs in a great forwardness, by engaging a considerable part of the king's army in the Pretender's interest, with the money so raised. That he did not name any particular sum to Ellis, but hoped himself to have raised 20,000*l.* by this method. He said he received from Ellis only thirteen receipts taken among his papers at Mrs. Mason's; that he received them at different times by the post; and that the first of them came to his hands the latter end of July last. He said farther, he intended to have tried to put off these receipts among the Norfolk Gentlemen named in the list which he gave to the Pretender; but that he never had spoke to any of them on this subject, nor received any assurance from them.

Being asked by the Committee whether he had shewn these receipts to any other persons, or had had any discourse with any body about raising money this way, he said he believed he had mentioned to lord North and Grey and lord Orrery, his having such receipts in his possession; and that the said lords told him, they believed they would be of little use, for that people would scarce venture to keep such receipts by them, or to have them in their custody; or words to that effect.

The Committee take notice that when he was examined before the lords, he prevaricated in relation to the cypher received from sir William Ellis, which he said was an old cypher, in use before the Preston Rebellion; but being shewn the names of several persons in that cypher, with the addition of their employments which they did not enjoy at the time of that rebellion, nor some of them till very lately, he said that he applied to Plunket, for such names as were not in the old cypher; though the Committee observe, that the whole cypher is in the same hand with the letters he owned he received from Ellis, and that the persons designed by late employments are not added or interlined, but placed in their alphabetical order in the body of the cypher. Being asked by the Committee, whether he had seen or knew of any other cyphers, he answered in the negative; yet they observe that in the letter from sir William Ellis dated the 1st of October, he is desired to make use of a pattern of lace of Mrs. Kinders, (which name he owned to the lords to mean Mrs. Hughes, nurse to the Pretender's child) sir William having lost or mislaid his own. Now the word pattern in Ellis's cypher, denotes cut paper, which shews that Layer was privy to another cypher of that kind in use among the Pretender's agents.

He likewise denied his knowing any fictitious names made use of by the Pretender or his agents for carrying on their correspondences, except those mentioned in his examinations before the lords; yet afterwards, upon being asked by the Committee, who was meant by Joseph in Dillon's letter to Plunket, he confessed that he knew Joseph was one of the names made use of to denote the Pretender.

The Committee farther observe, that the accounts he has given do by no means clear up several passages in sir William Ellis's letters, particularly one in the letter of the 30th of January, in which Ellis says, "That Layer having read over several times the paper he shewed him, and having a good memory, Ellis does not think it necessary to send a copy of it."

Layer being questioned by the Committee about the lists of names taken at Mrs. Mason's, says he employed George Wilson and Dr. Murphey to inquire into the characters of officers and soldiers; and that he received most of the lists from Wilson, who told him, he believed if the late duke of Ormond were to come over, and lord Cadogan were shot, the soldiers mentioned in those lists, would readily join Ormond in favour of the Pretender.

That Wilson made most of the marks, against the names, to explain what men might or might not be confided in; from which circumstance your Committee observe, that there were persons in those lists, whom the Pretender's friends could not confide in. He told the Committee, that Roath or Roach in the list No. 15. against whose name is set 1,000, is one whom he does not know, but that Murphey told him the said Roath or Roach was a person of great interest in Staffordshire, and able to raise 1,000 men. That the paper No. 11. at the bottom of which is writ "Inquire of North and Grey," as a memorandum for inquiring of the said lord whether he knew cornet Redding in the service abroad.

Being shewn the two lists endorsed Briquett's list, and lord Yarmouth's list, he says Briquett is an eminent tobacconist in the city, that the said two lists only contain names of a jury for a relation's cause, but that he intended to shew those two lists to lord Orrery and lord North and Grey, as containing an account of men to be raised for the Pretender's service, in order to magnify to those lords the number of the Pretender's friends.

Being asked by the Committee, what was the occasion of his taking away his papers from Mrs. Mason's, when he went down to Epping, and what papers he at that time took out; he said he only took out a paper containing a transcript of the prince of Orange's declaration, and some other memorandum papers. He farther added, that he was to have gone to lord North and Grey's to dinner the day that he was taken up, and that he sent his servant to the said lord's, to let him know he was arrested for High Treason, that his lordship might not be surprised at his not coming, and likewise that his lordship might provide for his own security; and before the lords he said, that he thought it reasonable to send this notice to lord North and Grey, apprehending that the government would seize the said lord immediately, on account of what had passed between his lordship and him.

It appears to your Committee, that lord North and Grey did, in pursuance of this message from Layer, endeavour to provide for his own security, by making his escape. Layer

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sent that message to lord North and Grey on Tuesday the 18th of September, the day that he was taken into custody; and Hugh Floyd, his lordship's servant, who attended him to Portsmouth, has declared, that lord North and Grey came to town from Epping on Wednesday the 19th of September (which was the day after his receiving this message from Layer.) That his lordship did not go to his own house, but to the King's Arms tavern in Paul's Churchyard and there dismissed him, Floyd, with orders to meet him at four in the morning on the Friday following, over against St. James's Church in Picadilly. That his lordship came at the time and place appointed, in a hired coach and six, without servants, and ordered the coachman to drive on to Kensington, and then to Brentford, and so on from town to town, and bid him, Hugh Floyd, have nothing to say to any body, nor take any notice that he was travelling with his lordship; so that in the whole journey to Portsmouth, he remembered no town but Kensington, Brentford and Egham. That the second morning his lordship proceeded on his journey, with hired saddle horses, without boots, with a guide, and several other minute circumstances, which may be seen in the examination of Hugh Floyd, and others, in relation to his lordship's journey to the Isle of Wight, and to the manner of his endeavouring to escape from thence; which serve to shew the precipitancy of his lordship's flight, and of what importance he thought it to take advantage as soon as possible of the notice given him by Layer.

Layer being asked by the Committee from whom he received the names found in his own hand-writing among his papers, viz.

Digby - - - Dillon	Orrery - - Burford
Regent - - Steele	Tories - - Tanners
Wiggs - - Waggs	Rogers - - Plunket

said, the names of some persons whom he had occasion to mention in his letters to sir William Ellis, not being inserted in the cypher he had from Ellis, he applied to Plunket now in custody, to know by what names he should denote those persons, and that Plunket gave him the six fictitious names above-mentioned; which names the Committee find frequently repeated in Plunket's letters and papers. Being asked if Plunket ever explained to him who were meant by Burford's club (an expression which is often used by Plunket in his letters to Dillon, as will be observed in its place) he said, that Plunket had told him, it was an appellation made use of by the Pretender and his agents, to denote a club of Tory Lords and others, of which club lord Orrery was Chairman. That Plunket had named to him several persons of distinction, as members of that club, whose names Layer repeated to the Committee, as contained in his examination, annexed to this report. But the Committee think it a justice due to several of the persons named by Layer, to observe that the matters asserted of Burford's club in Plunket's letters, seem utterly inconsistent with the known characters of some of those persons.

Layer being asked by the Committee, whether he ever was employed by Plunket to transact business with this or any other club, in Plunket's absence (which appears to the Committee to be asserted in one of Plunket's letters) he absolutely denied it, but admitted that he went often to visit lord Orrery, and had frequent conversations with him relating to the Pretender's affairs, and the necessity of foreign assistance. And that Mr. Swortfegger, lord Orrery's secretary, came to him once and told him, that lord Orrery had left a note in writing, that if Layer came to town, he should come down to lord Orrery's in the country; which invitation he understood to be with an intention of their discoursing more at leisure about the Pretender's affairs, having never had any business with lord Orrery in the way of his profession, nor any other private business, that could give occasion to such a message; but that he did not go down at that time.

The Committee observe, that a paper of Memorandums was taken in the book-case of Swortfegger, secretary to lord Orrery, which he declared to the lords on his examination, to be lord Orrery's own writing, in which this message to Layer is contained, and Swortfegger owned, that he delivered this message to Layer, and that he had sometimes seen Layer at his lordship's house.

Layer being shewn by the Committee a letter taken among his papers signed J. Plunket, and dated the 8th of November 1720, owned that he received that letter in Norfolk from Plunket now in custody; that it relates to the Pretender's affairs; that by Plunket's friend in the said letter is meant, as he believes, Dillon; and by his Law-suit, the Pretender's cause; in which sense the Committee find the word Law-suit frequently made use of in others of the intercepted letters. Layer farther owned, that Plunket gave his wife a letter of recommendation to general Dillon, when she went to Paris, which letter was signed Rogers.

Being asked by the Committee, whether Plunket had any conferences with the Pretender or his agents, during their stay at Rome, or had owned to him his being employed by the Pretender in England, he said that Plunket had two private conferences with the Pretender, and conversed often with Francis Kennedy, secretary to the Pretender, and with others of his agents at Rome; that Plunket has frequently owned to him, that he was employed in the Pretender's affairs, but never explained to him by which of the Pretender's agents particularly, and that he, Layer, never opened himself to Plunket in relation to the Pretender's affairs, after their return from Rome.

Yet the Committee observe, that Plunket, in his letters to Dillon, speaks frequently of himself as privy to Layer's treasonable transactions, and grounds his recommendation of Mrs. Layer, on his knowledge of her husband's merit and industry in the service of the Pretender.

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They likewise observe that Layer owns he received the names of Digby, Burford, &c. from Plunket, since his return from Rome; which they think plainly implies, that Plunket and he were privy to each other's treasonable correspondence.

The several particulars above mentioned contain the substance of what Layer confessed on his examinations before the lords and before your Committee; and after this long account given by him, in which there appear so many and such convincing proofs of the conspiracy in general, your Committee think it proper to observe, that though he affected a great openness and frankness, when such questions were put to him as tended only to a general discovery, to accuse himself, or such as he knew were escaped and fled out of the kingdom, yet when such questions were put to him, as he apprehended might affect or discover any others of the conspirators, he always gave answers with great shyness and reserve; and this care to say as little as possible that might affect others in a criminal way, joined with a desire to seem candid and ingenuous, often produced the inconsistencies, and contradictions, upon which the Committee have thought it their duty to make the foregoing observations.

Your Committee will now proceed to lay before you, what they have been able to collect from the papers and examinations of John Plunket, whose treasonable practices and correspondences, as has been observed before appear to be so closely connected with those of Layer, that they give great light and confirmation to each other.

The Committee observe from a careful perusal of the letters and cyphers seized at Plunket's lodgings, that he not only of late, but for many years past, has been employed in carrying on several treasonable correspondences with persons of high rank and distinction abroad; that a very great share of confidence has been placed in him by the Pretender, and several of the most considerable agents for him; and that he has been a principal actor in the late horrid conspiracy, and too much, as they have reason to believe, concerned in the blackest part of it, and though the evidence against him, in several particulars, is most full and undeniable, yet his behaviour on his examination was so hardened and obstinate, and attended with bare faced prevarications and falshoods, that the Committee are very much confirmed in the opinion of his guilt, from the pains he took to deny with solemn imprecations the most evident truths.

Layer confessed to the Lords, that Plunket recommended Wilson to him as a man of integrity; that Plunket went by the name of Rogers in Italy and since, and signed the letter which he gave Mrs. Layer for general Dillon, by the name of Rogers. But the Committee observe, that Layer let them remain in the error of believing that Plunket's christian name was James, till the question was put to him, on his second examination, in such a manner, that he found the Committee was already apprised of his true name, which he then owned to be John. He farther owned, as has been observed above, that Plunket received a letter under the Pretender's own hand at Rome, was twice in private conference with the Pretender, conversed with Kennedy and other agents of the Pretender, had assured him, Layer, of a good reception at Rome, was kindly spoken of by the Pretender, had owned to Layer his being employed in the Pretender's service, and his corresponding with Dillon, writ to Layer in Norfolk in relation to the Pretender's affairs, and gave Layer fictitious names for Dillon, lord Orrery, the Regent, &c. and among the rest the name of Rogers to denote him, Plunket: which fictitious names the Committee find all of them frequently used in Plunket's papers.

It appears farther to the Committee from depositions upon oath of Matthew Plunket, that John Plunket came to him in July last from Layer, to desire him to meet Layer at the Italian Coffee house in Russel Court, and named to him the same persons, as ready to head an insurrection, who were at some other time named to the said Matthew Plunket, by Layer, on the same occasion.

That he farther asked Matthew Plunket, whether he was well acquainted in the army among the soldiers, to which he replied, he knew many of them that had been with him in Spain and at Preston. That John Plunket then told him, he came from Mr. Layer, and under the arch going into Drury Lane desired him to pick out as many serjeants as he knew in the guards, to recommend them to Mr. Layer. That the next time he saw Matthew Plunket, which was in two or three days, he invited him to his chambers, and there told him Mr. Layer was a very good man, and the only one he could depend on to do him service; that the design on which he, Matthew Plunket, was to introduce the soldiers to Layer's acquaintance, was to serve the Pretender by disciplining the mob, who were to rise in his favour. And that all the transactions of John Plunket with him, Matthew Plunket, were, to engage him in person, and by his acquaintance among the soldiers, to serve the Pretender: That John Plunket meeting him afterwards in Covent Garden, asked him what he had done, to which he replied, he went on very well, and John Plunket bid him go and tell Mr. Layer.

Matthew Plunket farther deposes, that John Plunket told him, the business (meaning the invasion and rebellion) had been done before, but that the French ambassador wrote to the Regent, and the Regent wrote it to king George (or words to that effect) and it was upon that account the army was sent to camp.

Dr. Blackerby Fairfax has deposed upon oath, that being in company with Plunket and one Jefferyes, Jefferyes among other discourse said, Plunket, give the doctor a commission, adding Plunket has commissions, which Fairfax understood to mean commissions from the Pre-

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tender; but that Plunket answered, The doctor does not wear a sword.

The Committee observe, that among Plunket's Papers was found a large cypher of names, with fictitious names over against them, sworn to be all in Plunket's own hand writing, which cypher tallies with, and explains an original letter of the 23d of July 1722, directed to Mr. Digby at Paris, and signed J. Rogers, which was stopt at the Post office, and is likewise sworn to be Plunket's handwriting. And several other letters directed to Digby and signed J. Rogers, having likewise been opened and copied at the post office, and then sent forwards, the clerks who were employed in copying them have sworn, that to the best of their memory and belief, the originals of the said letters were all writ in the same hand with that of the 23d of July, which was stopped, and is sworn to be Plunket's handwriting; and the said copies of letters treat of the same matters as the other, and contain the same fictitious names which are found in the cypher sworn to be in Plunket's handwriting.

The Committee are informed, that it was thought proper to stop but one of the original letters from Plunket, and to suffer the others to go on, because it was judged that one was sufficient to discover the writer; and that the permitting the correspondence to be continued, might help the government to farther lights in this affair.

The Committee likewise observe, that there was found among his papers an original letter signed Digby, dated the 20th of May, 1722, which is sworn by the clerks of the Post Office to be the same which they opened and took a copy of, and which was directed to Mr. James Rogers, at Mr. Arthur's, banker, in London, though the direction is since torn off. From this direction your Committee observe, that his christian name was disguised as well as his surname. The receipt of this letter is acknowledged in the copy of one to Digby, signed J. Rogers, and dated the 21st of May, O. S. 1722.

The Committee observe that the original letter signed Digby is in the same hand with another, signed Dixwell, found also among Plunket's papers, and owned by Layer to be the very letter shewn him by Plunket at Antwerp, as from general Dillon; that the letter signed Digby is also in the same hand with another letter signed A. D. and directed to Robert Dillon, esq.; which, as your Committee are informed, was taken on one Blunt, a Popish priest, coming over from France, and owned by Blunt to be from general Dillon to his nephew. And the Committee farther observe, that these three letters signed Digby, Dixwell, and A. D. are in the same hand with another signed C. Howell, found also among Plunket's papers; which name of Howell is explained in Plunket's cypher to mean Glasgow, whom the Committee see reason to believe to be Christopher Glascock, an Irish officer in Dillon's regiment, who appears to be employed by Dillon in writing the treasonable letters signed by Dillon himself, as well as in writing others of the same kind, signed by fictitious names, belonging to him, Glascock.

The Committee observe, that in the copy of the letter signed J. Rogers, directed to Digby, and dated the 5th of July, 1722, the person who writ that letter, says, that his fellow-traveller's wife parted hence the day before for Paris, and that he gave her a letter to him, Digby, which agrees with Layer's confession that Plunket did give Mrs. Layer a letter of recommendation to Dillon, signed Rogers, and that he received from Plunket the name of Digby to denote general Dillon, which name was also confirmed to Layer by lord Orrery to mean Dillon. But that Dillon went by the name of Digby is put past all doubt, by a discovery made by Mr. Craufurd, his Majesty's resident at Paris, who being ordered to discover the person meant by that name, made use of the following contrivance, mentioned thus in his own letter.

"I have just now found out who Mr. Digby is. I folded up a paper in the form of a letter and sealed it, and directed it to Mr. Digby at Paris: then wrapt it up in a piece of waste paper, with a memorandum in it, to be informed at Mr. Waters's, banker, in Christine-street, in what part of Paris Mr. Digby lived. I gave it, thus made up, to a sharp young fellow who speaks both French and English, and ordered him to go booted, and a little dirted, to Mr. Waters's, to open before him the sham letter and read his memorandum, and to shew him the direction of the letter, and to desire him, at the same time, to send somebody with him, to conduct him to the place where it was to be delivered; that as soon as he should come to the door, where he was to deliver it, he should pretend to have left a packet at home, and making as if he would go back to fetch that packet, he should slip away from the person who shewed him thither. The thing succeeded better than I expected, for Waters was not at home, and my man acted his part so well, that Waters's chief book-keeper, without giving himself the trouble of going, wrote the direction for him upon my sham letter, in the manner your excellency will see in the inclosed. The book-keeper was very desirous to have the letter in order to deliver it himself, but my man insisted to deliver it with his own hand, and answered boldly to some questions which the book-keeper asked him, pretending he was to return the next day for England." The direction writ by Mr. Waters's book-keeper, under the name of Digby, was, "A Monsieur Dillon, Rue Colombier, a l'Hotel d'Holande," which, as your Committee are informed, is the ordinary residence of lieutenant general Dillon.

Upon this discovery notice was sent from France, by Dillon and his agents, to his correspondents in England, to forbid them making use any more of that fictitious name, as shall be more fully taken notice of hereafter in this report.

Notwithstanding all this evidence of Plunket's

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corresponding with Dillon, when he was examined he denied his knowing general Dillon, or his having ever exchanged a letter with Dillon or his secretary in his life; he denied the letter to Digby of the 23rd of July, stopped at the post-office, and the cypher found at his lodgings, to be his own hand-writing; he denied the receipt of the letters from Howell, Dixwell, and Digby, found among his papers; but owned he had once received a letter from one Farelly, a Popish priest, formerly governor to the duke of Berwick's children, signed by the name of Digby, and relating to stocks of Nicholas Wogan's and others. The Committee observe, that in this prevaricating answer he was labouring to account for the meaning of the word Stocks, which is mentioned in the letter from Digby, but will be shewn in the sequel of this Report, to be meant in a very different sense from its natural import, and to mean the conspiracy only; and in Plunket's own cypher the fictitious word, Brokers, is explained Agents. Upon pressing him farther to see if he would own the correspondence with Dillon, and acknowledge the letters the Committee had such full evidence were his, they found, that in order to avoid the owning it, he run himself in such an evident absurdity and inconsistency, as appears to them a strong argument of his guilt.

He affirmed the cypher (which is sworn to be his own hand-writing) to belong to one Hugh Thomas, formerly of the herald's-office, who had lodged in the same house with himself; that he had heard this Hugh Thomas own, in company with Neynoe, that he corresponded with Dillon; that Hugh Thomas went by the name of Rogers, and that he, Plunket, found this cypher, and several letters directed to Rogers, among Hugh Thomas's old books and papers. Being asked, whether Hugh Thomas ever signed Plunket, he said, not to his knowledge, and then he endeavoured to impose on the Committee, by telling them his own true name was Plucknett. Being asked what was become of this Thomas, he said he had been dead a year and a half, and that he, Plunket, could not keep him alive. But the Committee observe, that the original letter to Digby, signed J. Rogers, is dated the 23rd of July last, and yet is in the same hand with that cypher, which he pretends to be the writing of a man who has been dead a year and a half. They observe likewise, that the letter from Digby directed to Rogers is dated the 20th of May, 1722, and that most of the letters directed to Rogers (which Plunket pretends were writ to Hugh Thomas) had the name of Rogers blotted out, and that of John Plunket writ over it, and yet he owns, he never knew that Thomas went by the name of Plunket; besides which it is notorious, that Plunket himself went by the name of Rogers in Italy, and Layer has owned not only that Plunket went by that name, but that he signed Mrs. Layer's letter of recommendation to Dillon by the name of Rogers, and also gave him, Layer, the name of Rogers to denote himself, at the same time that he gave him the name of Digby for general Dillon.

Your Committee are of opinion, that these circumstances laid together, leave no room to doubt but that Plunket writ and received the letters above mentioned; the contents of which will be explained in their place.

Plunket being shewn a letter without direction, signed N. Wogan, enclosing a cypher, which is called in the letter the duke of Berwick's key, he said, this letter and cypher likewise belonged to Hugh Thomas, who, he said, corresponded with the duke of Berwick about getting subscriptions to a book; which matter, the Committee observe, neither needed any cypher, nor could well be treated of by the help of that. They likewise take notice, that Plunket owned the receiving a letter from Digby in relation to the said Wogan's stocks, and that Wogan is inserted in Plunket's own cypher by the name of Xoland, which circumstances make it probable he did correspond with Wogan.

There is one farther particular relating to this cypher, which the Committee think it proper to remark to the House, which is that Plunket, while he was in custody, desired a certain book might be brought to him from his lodgings, but the messenger's wife, searching the book before she delivered it, has deposed upon oath, that she found in it this letter from N. Wogan; and as the Committee are informed, that most of his other cyphers and papers were found hid in the leaves of his books, they think it probable, that he singled out this book in hopes of recovering and destroying the cypher that serves to explain his letters; the contents of which the Committee will now proceed to lay before the House: and, to avoid repetition of names, wherever they can, will make use of the real names found in his cypher, instead of the fictitious ones, by which they are expressed in his letters annexed to this report.

Among his papers was found the foul draught of a letter, dated March the 22d, 1721, and directed to Mr. Jackson, which in his own cypher is explained the Pretender. In this foul draught (which is sworn to be his hand-writing) are the following passages.

"I look, Sir, on your law suit to be in such a forwardness, that a speedy and happy replication must inevitably ensue; the Waggs as well as the Tanners (which names he explained to Layer to denote the Whigs and Tories) seem convinced that nothing less can redress their ruin; nay the latter is apprehensive the former will compliment you with it on your own terms in order to engross your favour for the future. The precepts my friend and I gave in lately, have contributed much to this emulation; we have more to give in, and if they improve them as they have the former, you will have a good game on it." The words Replication and Precepts are not found in his cypher, but the sense of the former may easily be guessed at.

He afterwards adds: "The gentleman I mentioned to you formerly, is come out of the country, with instructions to wait on you, and tender you their service; he offers to bear my

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expences if I go with him: as I take it that my going will be of more use than my staying now, I believe I shall accept of his offer." In another foul draught of the same letter, he says (as has been before observed) "There is one sets out from Norfolk in a few days, to let you know the Tanners will stand by you on occasion and offers to bear my expences; so that I shall wait on you, and have the satisfaction to tell you by word of mouth what will be acceptable. He carries the list with him." And in heads or minutes of the same letter, he says, "Wag and Tanner will equally concur.—My friend will wait on you to tender their service—Our Message will pin the basket—You may have daily messages of this kind; you will be courted; it is the English way—."

The Committee think it unnecessary to repeat here, how inconsistent these accounts of Layer's journey are with those given by Layer himself, and how strongly they contradict Plunket's bold asseveration, that he knew nothing of Layer's intending to go to Rome, before they set out.

Another foul draught of a letter was found among Plunket's papers, and is sworn to be his hand-writing; the matter of which appears to your Committee very remarkable. It is not dated nor directed, but appears plainly to have been writ the beginning of the last year; and in it are the following passages. "I had four of count Bothmar's letters since my last to you, Mr. Burford had them all, his clerk gave me to understand they were sent to Mr. Jos—— This made me not to trouble you. This only to wish you a happy new year. I hope it will bring the law suit to bear, afore it will end: if they would have courage and integrity, they may walk K. George out afore Lady-day next"—(and in another part he says, afore May come) "He is weary of them, and thinks no more of staying among them." It appears from this paper, that Plunket had conveyed copies of some letters of count Bothmar's to lord Orrery. That lord Orrery's clerk had given him to understand, those letters were sent to the Pretender (from whence it may be concluded, that either lord Orrery or his clerk had a direct correspondence with the Pretender) and that Plunket was privy to some design for walking K. George out (as he calls it) which design required courage and integrity, and was to have been executed either before Lady-day, which was during the elections, or by the beginning of May, which was the second period fixed (as has been observed) for beginning the insurrection. Simon Swortlegger, secretary to lord Orrery, owned upon his examination before the lords, that he was acquainted with Plunket, and had been in company with him and Layer at Mr. Aaron Thompson's chambers. And Plunket owned to the Committee his being acquainted with Swortfegger, and his having been in company with him and Layer at Layer's house, but denied his knowing any thing of the foul draughts of the letters above mentioned.

Plunket in his letter to Digby of the 21st of May, says, "I hope in a little time Mr. Joseph (which Layer owned to be the Pretender) will be the ministry's only refuge. Burford (whom Layer declared likewise to be Orrery) and his club seem to think so; they will have a finger in the pye if they can; I know they can come in for a good share in it, if they can have a little concert and regulation; there are those that will undertake to do the job in twelve hours time; a little time will shew whether they will give fitting encouragement; if two or three is taken off, no matter how, king George will go off, by hook or by crook, and of course the Lowty will be for Joseph: this has been communicated to your friends.

What is meant by the Lowty, does not appear by his cypher, but by the sense and the alphabetical order of the cypher, it is not improbable but it may mean the ministry.

Whether the job that was ready to be undertaken on fitting encouragement, and to be performed in twelve hours time, relates to the rash enterprise for surprising the city of London which has been already taken notice of, or to the wicked and execrable design for seizing and destroying his Majesty's sacred person, of which mention is expressly made in two subsequent letters of Plunket's, is left to the consideration of the House.

But the Committee, from comparing the memorandum at the end of the paper of resolutions, in the following characters Dis. C. W. M. with the two or three that are mentioned in this letter to be taken off, and likewise with Wilson's intimation to Layer, that if lord Cadogan were but shot, the soldiers would declare for Ormond, and also with Layer's negotiation about seizing lord Cadogan, and with the paragraph in his scheme for seizing some great persons at their Houses, see reason to believe, that by the first of those characters is meant dispatch lord Cadogan, and by the others, two other officers of distinction.

In the same letter of the 21st of May, Plunket takes notice, "That Johnson, an acquaintance, was taken up the day before, but had burnt his papers, and seemed to be easy in the matter, and adds, I believe they will get nothing by him."

Plunket being asked by the Committee, whether he was acquainted with George Kelly, alias Johnson, said he knew him by sight and coffee house acquaintance only; that he did not remember his having ever received a letter from him; and Kelly gave the same account in relation to Plunket; yet a letter from Kelly was found among Plunket's papers; and John Malone, who waited on Kelly at his lodgings, has named Plunket in his deposition, as one who often visited Kelly there. And the Committee are satisfied, that they were privy to each other's treasonable correspondence, by some passages in the letters to and from Kelly in which mention is made of Plunket by the name of Rogers, as will be shewn in its proper place. Plunket concludes his letter of the 21st of May with these words: "The motive of my

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journey is over at present, my pocket feels it, the man must be fed with money now and then; the labouring oar will be laid on me."

As he denied the writing these letters, the Committee could not draw from him any explication of this paragraph; but comparing it with the other part of his letter, where it is said, that a little time will shew whether Burford (lord Orrery) and the club, would give fitting encouragement for undertaking the job, they think it appears probable, that some part of this job is the labouring oar referred to, for which he expected to be fed with money.

His next letter to Digby is of the 31st of May, in which he says, "He finds the Regent had a hand in keeping king George from going abroad, so that the ministry will carry on their game safely and leisurely without any opposition whatever from the club, or any of the Pretender's friends." He adds, "Let them be ever so sanguine, they can do nothing as long as the Regent stands by the ministry; but should Ormond come with half a dozen regiments only, he would carry his point, and make king George run for it." This passage confirms what has been set forth above, that the late duke of Ormond's coming over made a part of the original scheme, and agrees with the accounts received from Spain, of Irish soldiers provided there for the Pretender's service.

Plunket then adds, "If Burford (lord Orrery) and the club have a mind to have king George delivered up to them, he shall; there are those that will undertake it, and offer to do whatever required." And in his letter of the 4th of July he says,—"I can assure you, despair has made some to take a resolution to lay violent hands on king George, but there is a stop put to them at present; It is not the Pretender's interest, but you cannot do so always; an ill precedent is dangerous."

The black and villainous design expressed by these two paragraphs, needs no explication from your Committee, who are sensible the House cannot have heard them read, without the utmost horror and indignation.

He speaks of himself in these letters as knowing the men, who had taken a resolution to lay violent hands on the sacred person of his Majesty; and was himself so far engaged in this execrable design, as to say in one of his letters, If the club desire it, his Majesty shall be delivered up into their hands; and in another letter dissuades it, not out of any conscience or remorse for the crime, but merely for fear the same barbarity should be retaliated on the Pretender; yet this man still continues so hardened and obstinate, as to renew his guilt by refusing to make the least discovery of his accomplices, or to give this only reparation and atonement he is capable of, to a country which he has been labouring to involve in the greatest of calamities.

He afterwards says, "That though there should be a rising in most parts, if the mob is beat in one place, the rest will go home and be quiet for seven years more."

His next letter is of the 21st of June: In this he says, "That Burford and the club think themselves slighted by the Regent and ministry of France; and conceive, that the Regent joins with king George to be revenged on them; That he may have room to repent it early or late; for should the parliament be broke, and a new one called, he might find himself more embarrassed than he is aware of." He adds, "If the Regent stands neuter, and they will soon bring the law suit to bear; so far I am satisfied of it, that 4 or 500 men, and as many arms, with 1,500*l.* will complete the matters in a little time, and give a good account of king George and the ministry. The army want only an opportunity to do their duty. This scheme, if duly and discreetly managed, will give them an opportunity to do it. Were we sure the Regent would not interpose, we would take it in hand forthwith."

The Committee make no doubt but the House has prevented them in observing how exactly this letter agrees with the accounts sent some time before from France; that the conspirators reckoned on great part of the king's own forces; and only desired the Regent that he would keep himself neuter between the Pretender and his majesty. And this letter appears to have been writ at the time, when Layer, Wilson, Murphey and Plunket were labouring to corrupt the officers and soldiers of the army.

Plunket adds in the same Letter, "If the Regent and court of Spain will but ply king George with large demands, and bring the Czar down to Hanover, the Pretender will have a Carte Blanche from the ministry and king George, as also from all the rest of his friends and foes; this I take to be the best and safest way, both for the Pretender and his well-wishers."

This expression of the Pretender's getting a Carte Blanche from the king and ministry, is repeated several times in Plunket's Letters; and howevever extravagant and ill-founded such suggestions were, yet the Committee cannot but observe, that his representations appear to have met with such a spirit of credulity and delusion, in the Pretender and his agents, that not long after that he was vain enough to entertain hopes of capitulating with his Majesty for the crown, by that traitorous and insolent declaration, against which both Houses have so lately expressed their just resentment and abhorrence.

Plunket's next Letters are of the 4th and 5th of July, 1722, in which he has the vanity to tell Dillon, "That he had been desired, by some leading members of the then parliament, to acquaint the Regent's agent here, that it was now in the power of the Regent and Spain, to send away king George, and to send home Mr. Jos. with a *bonne grace*, and much to their advantage; that it was only to insist on the stipulation king George had made with them, and they would have a fair pretence to do it."

It appears by other passages, that this sup-

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posed stipulation relates to the cession of Gibraltar.

He afterwards gives an account "That he did, both on the 4th and 5th of July, wait on the Regent's agent, with this message; and says, That as that agent was acquainted with some of the members of parliament who employed him, he gave some attention to him: But the objections which the Regent's agent made appear to have been, That the Pretender had not the name of a man of great parts or resolution: that he had hitherto no great opinion of Burford and the club; and that such a procedure, on the part of the Regent, would be a violation of the *bonne foy*: To which last Plunket replied, That it would be no breach of their *bonne foy*, to be grateful to those who were their deliverers formerly." However, Plunket says, "He convinced the agent, that it was now in the Regent's power to make the ministry and king George give the Pretender a Carte Blanche; and by so doing, to make the emperor vomit up what he has now in Flanders, without striking a stroke. That the common people, the country party, and all the English gentlemen might be brought to join with the Regent in proper measures to do it: or, that if the Regent would but stand neuter, they would soon bring the Pretender's law-suit to bear independant on any whatever." He adds, "That he is satisfied the agent would write these sentiments to his court; and that it is Dillon's business to let the Regent see he has the same sentiments from other people here."

Plunket being examined by the Committee, in relation to this letter, owned, he had frequent access to one of the French ministers on private affairs: And that Layer knowing him to be acquainted with him, asked him, whether he could not find out, by the help of that minister, whether the Regent might not be brought into Tory measures? And Stephen Lynch has deposed, that Layer told him, application had been made, either by himself, or some other person, to one of the French agents here, to the effect mentioned in Plunket's letter. However, Plunket denied his having ever spoke to that minister, in relation to state affairs, or his having writ any such account to France.

The Committee, from comparing his relation of these two conversations with what he says in other letters, of bringing the Czar down to Hanover, in order to oblige his Majesty to withdraw from England; observe, That the conspirators were so intent on compassing their wicked designs by any means, that having failed in their applications for foreign assistance, they were now labouring to make France and Spain insist on the restitution of Gibraltar, to throw Flanders into the hands of France, and to bring the Czar into Germany, in hopes to involve all Europe into confusion, and thereby to pave the way for bringing in the Pretender.

In the same letters he tells Dillon, "Now is the time for the Regent and ministry of France to serve you; if they do not, I can assure them, they may have room to repent it: For the Pretender's friends will find means to get into the saddle, in spite of the ministry and king George."

He adds, "That the army will not stand by the king and ministry, against the great bent of the English gentlemen, the common people, and the country party; who are so incensed against the court, that the least accident would surely overturn what they have been doing these seven years past."

He then says, "That his fellow traveller is, and has been, very active since his coming from his travels, and is more serviceable than those who move in a higher sphere; That he is spurring on the Club daily, and has made many of them more active in the law-suit, than they otherwise would have been. That his wife parted the day before for Paris; and that he gave her a Letter for Dillon; his fellow traveller thinking himself entitled to it, or any other civilities Dillon could shew her, during her stay there." He adds, "Your friends continue their preparation, and resolve to hold themselves in readiness on occasion."

The Committee take notice, That these Letters were writ just about the time that Layer went down to Norfolk. And they think the sanguine manner in which Plunket writes, is in part accounted for, by what lord North and Grey told Layer, That the encampment had spoiled the project; but we shall have them again. And by his lordship's saying, be you quiet, something will be done: If there be a rising, you shall not want men or money or arms; and that these letters and passages make it highly probable, that the substance of Layer's scheme had not been only seen, but approved of.

Notwithstanding the account which Plunket gives, in this and other letters, of Layer's proceedings, yet Layer denied that he had ever opened himself to Plunket, in relation to the Pretender's affairs, after their return from Rome; and Plunket affirmed, that he only knew Layer by coffee-house acquaintance, and never conversed with him but in the streets publicly.

Plunket's next letter is of the 23d July, the original of which being stopped, and being sworn to be his own hand-writing, the Committee think it proper to lay the whole before the House, with the explanation of the fictitious names taken out of the cypher, which is sworn to be his own hand also.

A Monsieur Digby a Paris.—(Under a Blank Cover to Waters.)

July 23d, 1722.

"By the time this comes to hand, king George's agent will arrive there: I am glad of it, because I hope all the negotiations and proceedings of the ministry and king George, will be laid before the parliament, which will be a means to send him to Hanover; though he thinks to bring the country party to approve of

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whatever he will propose to the parliament, he will hardly even bring the court party to do it. He thinks to disculp himself at the expence of the dead: this I told some of the parliament men; they say it will not do for love or money. Certain persons are forming projects that will distress the court of Spain, in case of war between Spain and the emperor. Count Bothmar comes into it by king George's connivance; it is now in embrio; when it comes to perfection I shall be master of it: I gave a hint of it to the Regent's agent; he was not a little surprised at it: they must not linger much longer; if they do, the emperor and king George will find means to distress the court of Spain and the ministry in France; they must hasten the peace to prevent it.

"My companion, who has been in the country this three weeks past, came to town yesterday; he seems to be sure of his game, viz. that Mr. Joseph's friends will run down the ministry and king George, in a little time, and bring the law-suit to bear on their own bottom, and independent of the Regent or any body else. I am resolved to know nothing of their proceedings; I am for having every thing laid before the parliament first, and then every body will see we want the Pretender more than he wants us; both friend and foe will join in any enterprize that will be made in his favour: neither will they ever dare upbraid him, if, on any occasion, he should look asquint on them hereafter. I hinted often, the only way to spirit them up, was to convince them the law-suit would be brought to bear without them, and that, by the Regent and king George. The construction they put upon this, that the former was subtle enough to make use of the folly of the latter, to play the game to his own advantage at our cost: and that he will govern Mr. Joseph, when here, as he does now king George: this, or some such imagination, gave them an uncommon resolution; and I believe they will struggle hard for a start in the race of honour. It is in the Regent's power to make king George, the ministry, and the club, to give Mr. Joseph a Carte Blanche; it is incumbent on you to convince him of it. I am sure his agent here is already, for I gave him this morning demonstrative proof that king George designs to support the emperor against the French king and his coss. and that without being seen in it.

"I would be glad to know how the duke of Berwick does, and if he continues there this summer. I have little to do in town, so I design to go to the country for three weeks. The town is dull and empty.

"We hear the Czar is in motion, I wish it may be towards Hanover, for king George would soon move from his country seat here.

"I believe Mr. Joseph will laugh when he will hear of the stratagem I made use of to bring his friends to so good temper of duty. I hope they will keep to it, which is the wish of, Sir, your humble, obedient servant,

Jo. ROGERS."

In his letter of the 16th of August, he says, "The Pretender's law business continues in the same plight. My companion goes on, as he thinks, very successfully, and is confident he will bring the business to bear in a little time."

This letter was writ nine days before Layer went down to lord North and Grey's with Lynch.

Plunket says in the same letter, "That the Pretender must promise the Regent and ministry of France fair, and that he will be a fast friend when in his power, and must seem to rely more on them, than any here; that this is the only game he has to play at this time."

In his next letter of the 23rd of August, he says, "That his friend came out of the country a few days ago, and told him, that his clients seem now to despair of bringing the law business to bear this next term, except the Regent were made a party; that he, Plunket, told him, in case the Regent were applied to in a proper manner, he might be prevailed on to come into proper measures, at least indirectly, and that without breach of the *bonne foy* he owes king George, or the ministry. He adds, that they (his friend's clients) are for any thing but under their hands; and that if they should apply to Dillon, or the Regent (as his companion had told him they soon would) they might safely offer at least to come into their measures, to stop their mouths hereafter; and he thinks, with submission, it is pity to hinder them from plunging themselves, as they did before. He adds, That it is in the power of the Regent and ministry of France, to make the ensuing parliament give the Pretender his own terms; and that, as the French king is soon to be of age, he may do every thing with a good grace, and *bonne foy*, and settle the Pretender so, that it will always be in his power to serve him, and the Court of Spain."

Plunket, who assumes to himself so considerable a part in these transactions, being asked by the Committee to give some account of his life and education, said, that he was born at Dublin, and bred up, when a boy, at the Jesuits College at Vienna; that he is a Roman Catholic, but not in any orders. And though he endeavoured (as has been observed above) by his dress, appearance, and behaviour, to represent himself to the Committee as very inconsiderable, and no ways equal to the part he was taxed with; yet a great number of letters from persons of the first quality abroad, were found among his papers, in which the Committee observe he is treated with great intimacy and confidence. And in a letter from the lady Middleton, of an old date, mention is made of her being to introduce him to the late king James's queen in France; to whom, as he owned to the Committee, he had been introduced. And that the trust and confidence reposed in him still subsists undiminished, appears to the Committee, not only by his own confessing, that he did walk and converse with the Pretender publicly in his garden at Rome, but from Layer's account, that he had two private conferences with the Pretender; and

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above all, from the letter under the Pretender's own hand, which he shewed to Layer at Rome, and which has been communicated to the Committee, as before-mentioned, in which the Pretender treats him with such distinction, as to charge him not to mention any thing of business to any body, till he himself had seen him alone; than which, the Committee think a stronger and more convincing proof of trust could not well have been given. It appears also by foul draughts of letters taken among his papers, that he writ directly to the Pretender himself.

Mention being made in Plunket's letters, of Johnson, alias George Kelly, and some extracts of letters to and from the said Kelly having been referred to the Committee among Layer's and Plunket's papers, by which it appeared to them, that Kelly's treasonable correspondence had a connexion with the others, and particularly, that he was privy to some of Plunket's transactions; your Committee thought that their having a general view of all the papers relating to the conspiracy, might help to illustrate and explain the several parts of it, in the same manner as Layer's and Plunket's papers mutually confirm and give light to each other.

For this reason they moved the House to have those papers laid before them, and to empower them to take such farther examinations, as might be necessary to lead them on in tracing out the source of the treasons inquired into.

Having accordingly perused those papers, and examined some of the persons principally concerned in them, they now proceed to lay before you the result of that inquiry.

It appears to them, that George Kelly, clerk, has been of late years constantly employed in carrying on several treasonable correspondences and negociations, between the Pretender's agents abroad, and persons of great distinction at home, tending to the bringing in the Pretender with an armed force, and to the overturning the present happy establishment in Church and State.

And here your Committee find themselves obliged to mention the lord bishop of Rochester, as principally aiding, directing, and employing the said Kelly in the prosecution of his treasonable designs.

As Kelly's correspondences seem to derive their weight and significancy chiefly from his being employed by the bishop of Rochester, your Committee will first lay before you the several reasons that induce them to believe he was so employed, and the part which it appears to them the bishop has had in this conspiracy.

It appears to your Committee, from several informations of Philip Neynoe, clerk, formerly mentioned, "That George Kelly, alias Johnson, frequently told him, that the bishop of Rochester held correspondences with the Pretender and his agents: that he, Kelly, was employed by the bishop, in writing for him, and carrying on the said correspondences; that Kelly told him, the Pretender relied more on advices from the bishop, than from any other person; that he had several times left Kelly at the bishop's door, when Kelly went into the bishop's house, and staid there an hour or two, and upon coming back to him, Kelly made apologies for staying so long, and told him, he had been writing the bishop's letters, which he always apprehended to be the foreign correspondence of the bishop with the Pretender's agents; and that Kelly told him, the bishop never suffered him to take a bit of paper of the bishop's hand-writing out of the room."

"That he knows letters were directed to Kelly by the name of Moses Hancock and Hatfield; and that he has seen at Burton's coffee-house, a letter to Kelly from Howell, (whom he takes to be agent or secretary to Dillon, and employed by Dillon in the same manner, as Kelly was by the bishop of Rochester) in which letter there were compliments to the bishop, by the name of Naunton, which name Kelly explained to him to mean the bishop. That Kelly has told him, the bishop of Rochester went sometimes by the name of Jones; that he has likewise heard the bishop went sometimes by the name of Illington, which last he was told by Mr. Carte, to the best of his memory. That in the letter which Kelly shewed him at Burton's coffee-house, mention was made of Mansfield, which Kelly explained to him, to mean the late duke of Ormond. That he has seen several cyphers in Kelly's hands, one in figures, another of fictitious names, in which last, Carpenters stood for Scotch Soldiers, Sadlers and Sophisters for Irish Soldiers, and the like; that he has seen Kelly make use of these cyphers, and that Kelly with great freedom owned, that these cyphers were for carrying on the correspondence with the Pretender's agents. That he had likewise seen cyphers in Carte's hands, who was also employed in writing dispatches to the Pretender's agents abroad. That he, Neynoe, had been employed to draw up three several memorials to the Regent of France, to solicit him to send forces to the assistance of the conspirators, the last of which was in December, 1721, and contained a demand of 5,000 men to be sent to invade these kingdoms; that the heads of these memorials were given him by Kelly, and one who went by the name of Watson, whom he took to be the late earl Marishal."

"That in March last, Kelly brought him the heads of a letter, to be drawn up with a design of its being intercepted by the government, in order to amuse them in a false security. That he drew up the said letter in a paper writ columns-ways; that this paper was brought back to him, corrected by the bishop of Rochester, as he believed."

Your Committee are informed this letter was not intercepted, but that a copy of it was sent, about that time, to one of the secretaries of state, from an unknown hand.

Neynoe farther declared, "That the bishop

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of Rochester, lord Orrery, lord North, and sir Harry Goring, were the principal leaders and directors of the conspiracy, which was first to have been executed in the Spring of the year 1722, by seizing the Tower, upon which the late duke of Ormond was to have landed in the river: that upon the discovery of the plot, and the king's not going abroad, it was put off for some time, but that it was afterwards resumed to be attempted in the West." Neynoe further added, "That Kelly assured him, the bishop got notice of his being to be taken up, some days before it happened; and that this notice was given the bishop by one of the lords of the council;" but he afterwards confessed (as your Committee are informed) that in this, and other examinations, he had endeavoured all he could, to create diffidence and suspicions among his Majesty's servants.

These informations of Neynoe are contained, great part of them, in a paper writ with his own hand, and delivered by him to a Committee of lords of the council. The other part is extracted out of papers which he dictated at his several examinations, which papers were read to him paragraph by paragraph, and agreed to by him before the lords.

That Neynoe was intimately acquainted with Kelly, visited him often and sometimes lay at his lodgings, and thereby had a better opportunity of being informed by him, appears from the depositions of Stevenson and his wife, Margaret Kelburn, landlady to Kelly, and John Malone, servant to Mrs. Barnes, who waited on Kelly at his lodgings.

That the bishop of Rochester was acquainted with Kelly, invited him to dine with him, sent his servants to inquire after his health, and wrote to him, appears from Stevenson's and Kilburne's depositions, as also in part from Mrs. Levett's.

But what gives the greatest weight to the several particulars contained in Neynoe's informations, is, that they are corroborated and supported in every material circumstance, by several concurrent proofs, as will appear from the sequel of this report.

Pancier has deposed upon oath, that Skeene, among other particulars of the conspiracy, told him that the bishop of Rochester, in conjunction with the lord North and Grey, had the principal direction of the conspiracy; and that 200,000*l.* had been raised, and put into the management of the bishop of Rochester, which was called the Military Chest, and was to be kept together till the project was put in execution.

Your Committee are informed, that when the bishop was taken into custody, vast numbers of letters and papers were found in his house, bearing date before the year 1712, but from that time downwards, few of any consequence, except those which follow:

One was from the Duchess of Ormond, dated January 14th, 1721, in which are these words: "I resolved to send what I received: For though it had not happened to belong to the person I addressed it to, I was sure it could not be put into better hands."

This passage makes it highly probable, that the bishop used to receive letters from abroad, directed by fictitious names. Which is still further confirmed by the following circumstances:

In the cypher which Layer owned he received from sir William Ellis, the bishop of Rochester is designed by the name of Justus.

Neynoe declared, that in the letter which Kelly shewed him from Dillon's secretary, there were compliments to the bishop of Rochester by the name of Naunton.

Among the bishop's letters was found one directed to Mr. Dubois, not signed with any name, nor dated from any place. It was in the following words:

"Sir; Forgive my silence. You easily conceive the difficulties I am under in that regard. I write this only to assure you of my sincerest and unalterable respect; and refer you to the worthy bearer for news, and for every thing, which otherwise I should have found some way or other of writing to you myself. I have heard nothing from you since the letter I had about two months ago by Mr. Johnson, to which I immediately in his hand returned my answer. A rumour has reached me of your having written hither since; but I can find no body that owns he has seen your letters. I am always, Sir, your truly obedient, and most humble servant. Dec. 16."

Your Committee observe, That Johnson is the name by which Kelly constantly went, as appears to them from several affidavits: And that he was at Paris the 16th of December, 1721, N. S. and set out in two or three days after for England, as appears from the pocket-book taken upon him: And the letter to Dubois seems to intimate such a correspondence as made it unsafe to write openly, and without disguise.

Among the bishop's papers was found another letter, dated, Rouen, January 15th, 1722, without any name; and the superscription torn off: Which letter is mentioned to be sent by an honest gentleman; and the writer of it desires to know how he may direct; and desires to be directed to by the name of Wisbart, at Mr. Arbuthnot's at Rouen, which is probably a fictitious direction, no name being subscribed to the letter. He likewise mentions a former letter sent under cover to their common friend sir Red. Who sir Red. is does not appear to your Committee; but they find one sir Red. Everard inserted in Plunket's cypher, and designed by the fictitious name of Fly.

Among the bishop's papers were likewise found two letters from captain Charles Holstead of Greenwich; the person who, as has been mentioned above, was sent to Bilboa to transport the late duke of Ormond to England.

Some letters having been intercepted, which there is good reason to believe were from the bishop of Rochester; and one of these letters

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being signed T. Jones, and another T. Illington, your Committee will now lay before the House the evidence they have found of the bishop's being designed by those two names, collected from circumstances, which being in themselves seemingly minute, and of little consequence, were for this reason more frankly confessed by those, who were obstinate in concealing stronger proofs; and yet at the same time lead directly to the discovery of the person meant by those names.

Mrs. Barnes being examined before a Committee of lords of the council, obstinately refused to make the least discovery relating to George Kelly; but when she came to be asked what she knew about a dog, sent over to Kelly from France; not suspecting this could lead to any discovery, she readily owned, That a spotted little dog, called Harlequin, which was brought from France, and had a leg broken, was left with her by Mr. Kelly, to be cured: That the said dog was not for her, but for the bishop of Rochester; and that Kelly promised to get the dog of the bishop of Rochester for her, in case it did not recover of its lameness. This declaration she made and signed in the presence of the Committee of Council: And Kelly himself made no difficulty to own the receiving such a dog from France.

But it appears to your Committee, by letters intercepted between Kelly and his correspondents in France, (the proofs of which will be set forth in the sequel of this report,) That a dog so named and hurt, was sent over to Kelly from France, to be delivered as a present to the person denoted by the names of Jones and Illington.

For in his letter to Howell (who is explained in Plunket's cypher to mean Glasgow, and has been observed above to be Dillon's secretary,) he mentions his having received the present, and the accident of a leg being broken in the voyage; and adds, I will inform Mr. Jones soon of it, to whom I know any thing from that quarter will be very acceptable. In the same paragraph he says, Mrs. Jones died last week; and when the days of mourning are over, he will, I hope, be fit for business. This letter was writ on Monday the 30th of April; and the bishop's lady died the week before, on Thursday the 26th of April.

Kelly, in his letter to Musgrave, (which name will be hereafter shewn to signify the late lord Marr,) dated the 7th of May, says "Mrs. Illington is in great tribulation for poor Harlequin, who is in a bad way, having slipped his leg again, before it was thoroughly well: however, his obligations to the lady are as great as if he had come safe, which he desires you to let her know."

The words 'he' and 'his' being relative to Mrs. Illington, shews it is a man that is spoken of: The bishop's lady was dead at the time this letter was writ. And this disguise of putting Mrs. for Mr. is frequently made use of in the intercepted letters, and is confirmed by a parallel instance immediately following.

May the 9th, Dillon's secretary writes to Kelly, and says, "Mrs. Chivers, (which will be shewn to be general Dillon,) prays you will condole in his name on the death of Mrs. Illington."

It appears by these passages, that the dog was for Mr. Jones, alias Illington: and upon Kelly's writing word that Mrs. Jones was dead, the correspondents condole on the death of Mrs. Illington; which shews Jones and Illington to be the same, and both to be made use of to denote the bishop.

On the 11th of May, Motfield (who is the same with Musgrave, that is, the late lord Marr) sends a letter to Mr. Illington, inclosed under cover to Kelly; in which, after acknowledging the receipt of Illington's letter of the 20th of April, he adds, "I did not expect so soon after to have heard of a loss you have had since; for which I condole with you, and nothing which concerns you so near can fail touching me, as in friendship it ought. It is though becoming us, as it is our duty to submit with resignation to what the just and great God thinks fit to order for us in this vain and transitory world; but you know such things so much better than I, that will not trouble you with saying any more upon it."

This last paragraph seems to point out the character and function of the person to whom the letter was writ.

Motfield adds, "I would fain hope that your own distemper will soon give you ease;" which agrees with the circumstance of the bishop's being ill of the gout, at the time of his wife's death.

This particularity, as also several others, which will be taken notice of, as to the bishop's being in town or in the country, at the respective times mentioned in the intercepted letters, have been carefully enquired into; and it appears by a paper annexed to the report, that these several circumstances do exactly agree with what is mentioned in the letters.

Kelly writing to Musgrave (the late lord Marr) the 7th of May, says, Mrs. Jones is come to town: The same day writing to Chivers (Dillon) he says Mr. Illington is now in town; which again confirms Jones and Illington to be the same, and agrees with the inquiry made at that time.

On the 10th of May, Kelly writes to Dillon's secretary, Illington is gone into the country, and sent me word he would be in town on Tuesday night, when he has desired to see me at a particular hour, by which I conclude it may be about business. And on Monday the 14th of May, (the day before, it is said, Illington was come to town) writing to the same person, he says, Jones is still in the country, but has sent me word he will be in town tomorrow.

These several circumstances, joined to Neynoe's declaration, that Kelly had told *him*, the bishop went sometimes by the name of Jones, and that Carte had told *him*, the bishop went by the name of Illington, shew, that wherever Jones and Illington are named in Kelly's corre-

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spondence, the bishop of Rochester is to be understood by those names.

Your Committee therefore will next proceed to lay before you the part which Jones or Illington appear to have borne in the treasonable correspondence.

It appears by Kelly's pocket-book, that Kelly set out for Paris on the 22d of February 1721-2, and returned to London about the 8th of April following. It appears by Mrs. Levett's and John Malone's deposition, that he came to Mrs. Barnes's on Wednesday the 11th of April, at eight in the morning, extremely fatigued, and went immediately to bed. Mrs. Levett has deposed upon oath, "That Mrs. Barnes told her he was then just arrived from France, and brought over letters with him: That several of the disaffected had been at her house to inquire after him before his arrival, and expressed the utmost concern for fear he should be taken." And Neynoe declared, "That he saw a great bundle of Letters, which Kelly brought over from France." Mrs. Barnes farther told Mrs. Levett, "That the day after, (viz. Thursday the 12th of April) the bishop of Rochester sent his own coach to fetch him, and that Kelly was absent in the country till Saturday the 14th." Two depositions, annexed to this report, shew, that the bishop of Rochester came to town on Wednesday the 11th, and went to Bromley on Thursday the 12th of April.

It appears by a letter writ to Kelly from France by the late lord Marr, and intercepted, that on Monday the 16th of April (which was the first post-day to France, after the bishop had sent for Kelly) Kelly had writ to Marr an account of his negotiations with Illington, and of Illington's willingness to be reconciled to one, designed by the name of Hacket. Who Hacket is, does not appear to your Committee, but he is described in several of the letters as a person in ill health, retired in the country, and one in whom the Pretender's agents at Paris, place their greatest hopes and confidence next to Illington. This reconciliation with Hacket, Illington was desirous might be kept secret for some time, that it might not be known they acted in concert.

It appears by another letter to Kelly from Dillon's secretary at Paris, that Illington had writ a mysterious letter thither, and that Kelly had writ a subsequent one in explanation of it, which had been shewn to Dillon.

The first letter that was intercepted from Kelly himself, was dated the 22d of April, signed James Johnson (the name he always went by, and often signed by) and directed to Gordon junior, banker at Boulogne, at whose house it is probable he had been entertained in his last return from Paris; which Gordon is mentioned in a letter from Mr. Craufurd, as being formerly the Pretender's banker, and as one employed in hiring a vessel to transport some of the chiefs of the conspiracy to England. In this letter to Gordon, Kelly recommends to his care a packet inclosed.

This packet was directed to Mr. Chivers, (which will be proved to be Dillon) and consisted of three letters, one to Chivers himself, signed T. Jones, another to Musgrave, (which will be proved to be Marr) signed T. Illington, a third to Mr. Jackson, (which will be proved to be the Pretender) signed 1378, which number is found by the decypherers to denote the proper name of a person beginning with the letter R, in the cypher made use of in these three letters, the order of which, as your Committee is informed, is alphabetical. All the three letters were dated the 20th of April, and appear by the matter to be from the same person, which prove 1378 to be the same with Jones and Illington. The letters to Musgrave and Jackson were inclosed in that to Chivers.

The person who dictated these letters, speaks of himself as being in ill health, in great pain, under some sad and melancholy circumstances, which made him uncapable of doing any thing regularly at that time, but which he expected would soon blow over; which agrees with the bishop's circumstances at that time, whose wife was extremely ill, and died six days after, and he himself, as has been observed before, was at that time afflicted with the gout.

The letter to Chivers is great part of it out of cypher, and with the decyphering is in the following words.

"Sir; *April* 20, 1722.

"I ought to acknowledge in form the several papers I have successively received from you, if I were capable at present of doing any thing regularly; but indeed I am not, as Hatfield well knows, and why I am not: Some time must pass before I am any way capable of business; in the mean time you are in the right to press the gentlemen concerned by all manner of ways you can think of, to furnish, what by being hitherto not supplied, has rendered the thing impracticable. They were desirous of having that matter intirely in their own management, and I not unwilling that they should have it, being always diffident of success on my part upon interpositions of that kind; and therefore it gave me no concern to be so freely excused from any share (as I was for a great while) in that trouble. At last indeed, when the point was found upon trial to be more difficult than they expected, I was pressed to undertake the matter; but so late, that I did not think it reasonable for me then to interpose, nor can I yet undertake any thing of that kind, it being what (since some former mis-management wherein I was deeply concerned) I have constantly declined, hoping that I might not be altogether unuseful to the service, if I went on to promote it in my own, that is, in another way. I still hope so, and that a little time (which must be employed in doing nothing but soliciting supplies) will give me room for entering into measures that may be somewhat more significant than those formerly taken: this I shall endeavour, being at present perfectly tired by the distracting measures which have been taken from several quarters, by persons no way

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equal to the work, and at the same time not agreeing among themselves. This is all I can say at present, but that I am, with the same intire respect and fidelity I ever was, Sir, Your most, &c. T. JONES."

"I have commmunicated the copies of Mr. Manfield's and Jacob's letters, which besides the G . . . . : . . . . . , (whereof they had a copy) were the only ones of those transmitted, that I was directed, or indeed thought proper so to do. Though I have for some time thought, that nothing of importance should be trusted to the post, and am resolved myself not to send that way; yet the death of lord Sunderland makes such a caution more indispensibly necessary; for you may depend upon it, that those in power here will now enter into measures of more severity and strictness, and employ all their diligence, as well as power, on such occasions."

That Chivers, to whom this letter was directed, means general Dillon, is evident from the following circumstances.

On the 13th of May, Cane writing to Kelly, owns the receipt of these letters from the bishop, but over against the name of Cane in Plunket's cypher, is writ Dillon, and Kelly answering this very letter of Cane's directs to Chivers. Besides which, it appears from innumerable passages, that Cane and Chivers mean the same with Digby and Dixwell, which have been shewn at large to denote general Dillon.

The bishop's letter to Musgrave (who will be proved to be the late lord Marr) is as follows:

To Mr. Musgrave.

"Sir; *April* 20, 1722.

"I received from Mr. Hatfield (after a long intermission of such favours) a letter which was very welcome to me: I have also considered carefully what he had to offer to me in particular, and entirely agree with what is proposed; but my present sad circumstances (of which he has already informed you) will not suffer me to be active soon, or even set forward the affairs entrusted with me in so speedy a manner as I could wish; the best is, that as I cannot act openly, so neither is there, I think, any immediate need of it, some time being requisite towards ripening matters in order to fix the C . . . . : . . . . 'd, which, if hastily begun, may be attended with suspicions and other inconveniences; but you may depend upon it that the : . . . . . : . . . . . s committed to my care, shall be forwarded in due time to the persons concerned, as also all such other : . . . . . s as I judge, and at the time I judge, they will best promote the service. What is to be wished for, is, that the person whom I am to act with, would come to town, and his doing so may be facilitated better from your side, than by any thing that can be done here; by that time he comes, I hope I shall be able to take my part with him. I add no more now, being very unfit to say even thus much, but that I am with entire respect and confidence, Sir, &c. T. ILLINGTON."

That Musgrave (to whom this letter was directed) means Marr, is thus proved.

Dillon's secretary writes to Kelly that Mr. Lane (over against which name in Plunket's cypher is writ lord Marr) was much pleased with his first letter, which, as has been observed before, was writ on the 16th of April.

Soon after a person writes to Kelly, acknowledging the receipt of this letter of the 16th of April, and expressing his satisfaction at Illington's willingness to be reconciled with Hacket; his letter is signed 918, which number is found by the decypherers to denote the proper name of a person beginning with the letter M, and Kelly answering this letter directs to Musgrave.

Besides which, Musgrave is found to be a person, whose pension is said to be stopped in England, at the very time that a pension granted to the late lord Marr was stopped, and is spoken of in other letters as one suspected of betraying them, with such circumstances as fix the person meant to be the late lord Marr.

The bishop's letter to Jackson (who will be proved to mean the Pretender) is as follows:

To Mr. Jackson, under the cover of Mr. Gordon le fils Banquier à Boulogne sur Mer.

"Sir; *April* 20, 1722.

"I am sorry to find by yours, which Hatfield brought, that you know our circumstances on this side so well, because that knowledge does not, I apprehend, give you any advantageous opinion of us; however, let that be as it will, it is not fit you should be deceived, and rely on more than will be made good to you: if you guessed at my right mind, I dare say it was agreeable to your own, and that you could not but see through the forwardness of all those unsupported pretending people. Notwithstanding this opportunity is elapsed, I agree with you, another may offer before the end of the year, though not perhaps every way so favourable: however it became me to speak strongly on that head, especially at the time when the : . . . . . was drawn, which was long before it was transmitted, for it was kept back a great while, in hopes that deeds might have accompanied words, and sent at last rather to justify the writer in respect to that part he had undertaken, than to push on any design in so unprovided a condition; I find I was not mistaken, and am glad I was not so, though every word of that : . . . . . passed the view and approbation of the persons concerned, but they were to be and shall always be by me treated tenderly, though nothing shall engage me to enter deep with them for the future. I had taken this resolution before Hatfield's return, and am pleased to find that you concur with me in opinion. As soon as God restores me to my health, and some other melancholy circumstances are blown over, which will be as soon as there is any occasion for me, I will not

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be idle. In the mean time give me leave to withdraw myself seemingly from any engagement of this kind; I shall return to it, I doubt not, with more ability to promote the work: not that I will decline any proper occasions that may offer themselves to converse freely with the men, and in the manner I have been used to do, for it is fit upon all accounts I should do so; but by little and little that confidence will cool, and make room, I hope, for somewhat of a more solid and important nature. I dictate this in great pain, and for that reason, and because I am not at present in any readiness to go further, I shall add only my faithful assurances of an entire and unalterable respect for you.. R."

That Jackson (to whom this letter is directed) means the Pretender, appears from Plunket's cypher, in which, over against the name of Jackson, is writ, The King; though two names had gone before in that cypher, over against which is writ, King George.

Besides which, Plunket's letter mentioning his and Layer's journey to Rome, is directed to Mr. Jackson; and Jackson appears from other letters to be the same with Malcom, to whom application is made in a letter from Edinburgh, for a patent for knight baronet, and for orders to raise one or two battalions.

The cypher made use of in these three letters, is the very same that is made use of in two letters intercepted from the late duke of Ormond's agents in Spain; of which notice has been already taken. And the same cypher is also used in letters from George Kelly, and to Dennis Kelly. And among the papers of the latter was found a piece of a cypher in George Kelly's hand-writing, which your Committee are informed is a supplement to the cypher made use of in Jones and Illington's letters.

The clerks of the post-office, who opened and copied these three letters, having been shewn several papers sworn to be George Kelly's hand-writing, have deposed upon oath, that the letter to Gordon junior, signed James Johnson, as well as the three letters inclosed in it, directed to Chivers, Musgrave and Jackson, were all, to the best of their knowledge and belief, writ in the same hand with those papers: Which joined to Neynoe's information, that Kelly had told him he was employed in writing letters for the bishop to the Pretender's agents abroad; that the bishop never let him carry a bit of his hand-writing out of the room; and that Kelly made use both of a numerical cypher, and a cypher of fictitious names, for managing this treasonable correspondence; appears to be a strong confirmation that these three letters were dictated to Kelly by the bishop, and that the bishop is the person denoted by the names of Jones and Illington, and by the cypher 1378.

In what manner these letters were conveyed to Paris, will be observed in that part of the Report which relates to Kelly. The correspondents at Paris own the receipt of their packet from their cousin Jones; and on the 7th of May, Kelly writes Dillon word, that Illington is glad to hear his letters came safe, and wishes his next to be more to Dillon's satisfaction.

Your Committee having thus laid before you the grounds they have to be convinced, that these three letters were sent from the bishop of Rochester to general Dillon, the late lord Marr, and the Pretender; they think it their duty to make some observations on the contents of them.

They observe from his letter to Dillon, that he has contracted a great intimacy and familiarity with a professed Roman Catholic, who appeared openly in arms against the late king William in Ireland, and being obliged to leave that country so long ago as the capitulation of Limerick, has ever since adhered to the same cause in foreign parts, and is at present more active and industrious than any other of the Pretender's agents, in exciting a rebellion in these kingdoms. He is at this time a lieutenant general, and has the command of one of the Irish regiments in the French service.

Your Committee observe, That as the different professions of these two persons could lay no sort of foundation for any intimacy or intercourse between them, so the long absence of general Dillon makes it highly probable, that their acquaintance could not be commenced before his leaving these kingdoms; and that it can only have proceeded from their being long united and confederated in the common support of the same wicked cause.

Yet their intimacy is such, that the bishop acknowledges the receipt of several papers from Dillon, together with directions for communicating them, which the bishop owns he obeyed as far as he judged it proper for the service. Some of these papers appear to have been from the late duke of Ormond, who is attainted; and others probably from the Pretender, whom he has so often abjured.

He advises Dillon to press the soliciting supplies; and owns he has been desired to undertake that province himself, but that he had hitherto declined it; not from such restraints as should naturally have arisen in the mind of one of his character and function, but merely on account of some former ill success and mismanagement, in which he owns he had been deeply concerned.

He afterwards advises Dillon to use the same caution which he himself intended, of not trusting any thing of importance to the post, endeavouring to act within the shelter and safeguard of the laws for subverting our happy constitution.

This great caution, which (as Neynoe said Kelly told him) the bishop used, made him so extremely careful, as not to let even the man he trusted most, have one line of his own hand-writing; and shews that he was wonderfully solicitous, not to avoid the guilt of treason, but only to escape the punishment due to it, by

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saving himself from the danger of legal conviction.

Another of his letters is to the late lord Marr, who so lately appeared in arms against his Majesty, and has since had a post of the greatest confidence and trust near the Pretender.

In this letter he owns the receipt of one from Marr by Kelly, together with verbal instructions; which, to cut off all excuse of surprise or inadvertency, he says he carefully considered, and yet intirely agreed to.

He then mentions his present sad circumstances, but comforts himself, that as they will not permit him soon to act openly, so neither is there, he thinks, any immediate occasion for it, some time being necessary towards ripening matters; so that when a proper opportunity should have offered, the mask was to have been thrown off, and he was then openly to have avowed the cause, which he has hitherto supported only in disguise.

The other letter of the bishop's is to the Pretender himself, in defiance to that law which makes the holding any correspondence with him, or his agents, high treason. In this letter he owns the receipt of one from the Pretender; and to shew how well he deserved that confidence, he himself, who best knows the thoughts of his own heart, declares, that if the Pretender guessed at his right mind, he dares say it is agreeable to the Pretender's own.

He then encourages the Pretender to hope for a second opportunity, though not every way so favourable as the first, which was elapsed.

This favourable opportunity appears to have been that of the elections; and your Committee cannot but observe, that the two most riotous elections of any throughout the kingdom, were that of Westminster, a place under the immediate influence of the bishop of Rochester; and that of Coventry, which appears by this report to have been animated by Carte an agent of the bishop's, and one employed by him in managing his treasonable correspondence.

He afterwards takes to himself the merit of some writing, which he had drawn up and transmitted to the Pretender, after it had first passed the view and approbation of the persons concerned: though he says it had been kept back a great while, in hopes that deeds might have accompanied words: which again shews his treasonable intentions to have been the result of mature deliberation; and that though he had hitherto dealt in words, yet other acts of treason were what he hoped for, and was aiming at.

As soon as God should restore him to his health, he promises to abuse it towards the prosecution of his treasons, and in the mean time desires leave to withdraw himself seemingly from any engagements of that kind, that he might return with greater zeal and activity to destroy this church and state, by placing a popish Pretender on the throne, in violation of the most sacred oaths so frequently taken by him.

Your Committee will now proceed to shew what farther part the bishop appears to have had in the treasonable correspondence and negotiations carried on with the Pretender's agents in France.

On the 11th of May, Motfield answers Illington's Letter sent to Musgrave (Marr) the 20th of April. This answer was inclosed in a Letter to Kelly. The substance of the answer is to condole with Illington on his loss, and to express great satisfaction on finding him in the same sentiments with Marr in relation to their old friends and acquaintance (Hacket) and in another Letter to Kelly, he lets Illington know how agreable this reconciliation would be to Farmer, and how much to Farmer's interest.

Your Committee see reason to believe from passages in several of the letters, that Farmer means the Pretender.

It has been observed above, one of the periods of time, fixed by the conspirators for putting their design in execution, was the beginning of May, 1722.

On the 1st of May, Dillon's secretary writes to Kelly, "That Mr. Jones cannot take a better time to have himself fitted with an easy saddle, there being a number of saddlers idle in France at present, who in case of wars would be so very busy there would be no coming at them." This is explained by what Neynoe said, that in Kelly's cypher sadlers stood for Irish soldiers, though he did not know any Letters had been intercepted where that term was made use of, and in Plunket's cypher, saddles stand for regiments, and girt for one hundred men.

On the 2d of May, Dillon himself acknowleges the receipt of his cousin Jones's letters of the 20th of April, and "expresses much concern for that lady's ill state of health, being much afraid his own small concerns can hardly be settled to satisfaction, till she is able to solicit in his favour."

On the 7th of May, Kelly writes to Musgrave (Marr) "That he had communicated his Letter to Mr. Jones; and that Mr. Jones desired a Letter from Musgrave or Farmer (the Pretender) to Hacket, to bring him to town, without which it would be impracticable for them to do business together; that Jones finds Armstrong and company very loth to be any way concerned, having no opinion of the present hands, however that it is still necessary to make the most of them."

Who is meant by Armstrong and Company does not appear to the Committee,

On the 9th of May, Dillon's secretary writes to Kelly, "That if this post had not brought an addition, of three to the six formerly come from Repney, it is easy for Mrs. Jones to see what is still wanting for the purchase she intends to make." Who is meant by Repney is not certain, but in the following part of this report there will appear grounds of a probable conjecture.

This passage relates to a bill of exchange (of 6,000*l.* probably) sent over to Calais, and

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thence to Waters the Pretender's banker at Paris, on the 16th of April; the receipt of which is acknowledged in several letters both to George Kelly and Dennis Kelly. This paragraph which says, "That if three more are not come, besides the six from Repney, it is easy for Mrs. Jones to see what is still wanting for the purchase she intends to make," shews plainly, that Jones was at least privy to that remittance, which agrees with what Pancier has deposed upon oath, that he was told by Skeene, among other particulars relating to the conspiracy, that a large contribution had been raised and put under the management of the bishop of Rochester, which was called their military chest.

On the 10th of May (three days after the encampment) Kelly writes to Dillon's secretary "That it was reported the king had absolutely refused to put off his journey, and intended to set out early next month; and that if they could then compass barrels enough, the sooner the wine comes, he believes the better. He adds, that Jones promises to be a good customer, and that he hopes Hacket and Jones will give them the finishing stroke." The time of year in which this letter was writ, and the absurd supposition of its being more difficult to find barrels than wine, shews sufficiently that these words are not to be taken in their literal sense.

Your Committee are informed, that wine was explained by Neynoe to mean invasion, though he had never been told that any such word had been made use of in these letters, nor had been asked any question about it; and in Plunket's cypher, barrels is explained army, and vines one thousand men.

On the 19th of May, Dillon's secretary writes to Kelly, "That he is assured by good hands, Hacket and Jones are the best able to adjust his particular concerns; that he does not question their good dispositions, and that doing it timely will be a double merit."

On the 19th of May Kelly was taken into custody, about the 7th of June he was admitted to bail, and on the 11th he writes an account of his examination to one Gerard, whom your Committee believe to be sir John D'Obryen, whom Kelly owned to be employed by Dillon in writing for him. In this letter Kelly says, "He was chiefly questioned about a little dog he got from France, and about five or six cant names, which were Illington, Jones, Cane, Howell, Quitwel, and Hacket; and that whoever Illington is, he was the person chiefly struck at."

On the 18th of June he writes to Dillon, "That it is absolutely necessary to make no more use of their present account book since those that have got part, may by the same method have got the whole; and that it will be highly improper for him to meddle with business, at least for some time."

From this time forward your Committee observe that the names of Jones and Illington are no more heard of in the intercepted correspondence, neither does Kelly so frequently write letters of great business, but in his stead Thomas Carte, clerk, takes up the management of the bishop's correspondence.

The letters from Carte are signed, and those to him directed, by the name of George Williams; and Mrs. Harbin, to whose house they were directed, having been examined before some lords of the council, has deposed on oath, that Carte desired her to take in letters so directed; and that she delivered one so directed into his own hands.

And in the cypher taken among Dennis Kelly's papers in George Kelly's hand-writing, Mr. Carte is designed by the fictitious names of Thomas and Trotter, who appear, by comparing several passages in the letters, to mean the same person with George Williams.

From the time of George Kelly's being first taken up, the bishop of Rochester is denoted by the names of Rig and Weston, as will appear from the following circumstances.

On the 30th of August, Kelly writes to Dillon a long letter, which contains the particulars of the bishop's being taken into custody, examined, and committed. On the 14th of September, Dillon's secretary writes to Kelly, "That his letter on the 30th of August came safe, and that the particulars he gave of Mr. Rig's case were very acceptable to Dillon, whose concern for a true and worthy friend and relation cannot be doubted, and a longing desire to know her entirely clear of her distemper." In the same letter he desires to know what is become of Carte.

That Rig denotes the bishop is farther confirmed by these particulars: Kelly in his first letter after his enlargement, writes word to Gerrard; "All I can do now, will be only to deliver to your cousin Rig any goods that you can send by private hands: He is determined not to receive them any other way, and indeed I cannot say he is in the wrong. How far this late affair may affect him, I cannot tell."

Now since it appears that Kelly was formerly employed in conveying letters, to and from the bishop (which are often called goods in the intercepted correspondence) since the bishop himself had desired in his letter to Dillon, that no more letters of consequence might be trusted to the post, and since Kelly's examination about the dog could affect no one but the bishop, it may justly be concluded, that Rig and the bishop are the same.

That Weston is the bishop, will appear from the following circumstances.

On the 7th of June, Dillon's secretary writes to Carte, and acknowledges the receipt of a letter from him of the 28th of May, (which was soon after Kelly's being taken up) and after expressing great satisfaction, "That the late rumours of a plot had not occasioned a total interruption of commerce, nor obliged any of their correspondents to go aside: he adds, that Dillon desires to be most kindly remembered to his good friend Mr. Weston, for whom he was in the greatest concern, on account of a story that his clerk had been laid up for debt, but that he hopes Carte's next letter will put him at full ease in this matter."

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This plainly has reference to Kelly's being taken up, and his relation of clerkship to the bishop has been fully explained by what goes before.

On the 14th of June, Carte writes to Dillon's secretary, and endeavours to put him at full ease in relation to Mr. Weston, by telling him, "That Mr. Weston is in the country, that he saw him two days ago, that he is perfectly well, and as easy in all his affairs as any man alive, and very much Dillon's humble servant." It appears by depositions annexed to this Report, that the bishop was in the country at that time.

On the 14th of July, Dillon writes to Weston, under cover to Carte; and desires he will admit one Skinner (sent over from France express) to receive his commands.

On the 26th of July, Kelly writes word that Rig and Skin had been lately together, and that before they met, Rig sent to him to know how Skin stood with Dillon and his partners.

On the same day Stanley (who appears by the matter of his letter to be the same with Skinner, writes to Dillon, "That he had been with the correspondent, to whom the letter of credit was sent, and had partly engaged him in his arrack affair." On the 30th of July, Carte writes word, he had the honour of introducing Stanley to Mr. Weston, and mentions the arrack affair, of which notice will be taken in its place.

From these passages it appears, that Weston (the name made use of by Carte) means the same with Rig, (made use of by Kelly) which last was shewn before to mean the bishop of Rochester.

Rig therefore and Weston being made use of to denote the bishop, it remains to be considered what part Rig or Weston appear to bear in the sequel of the intercepted correspondence.

It appears by the letter from Dillon's Secretary of the 7th of June, that they apprehended in general on Kelly's being taken up, that some of their correspondents would be obliged to go aside, but that their greatest pain was for Mr. Weston, whose intimacy with Kelly was such, that Kelly is stiled his clerk, which is no improper name for one that kept the cyphers, which are stiled throughout the intercepted letters, books of accompts, and in Layer's cypher are called rentals. If Kelly had had no secrets to reveal, the pain for Mr. Weston, and the fear of other correspondents going aside, would not have been so considerable.

On the 14th of June Carte sets them at ease in relation to Weston, who was, he says, as easy in his affairs as any man alive: Which might be the case, Kelly having burnt his papers, being bailed out, and at liberty to assure his friends, that the lords could get nothing out of him at his examination, where he strenuously denied his having ever heard of the names of Jones or Illington.

On the 11th of June, Kelly sends his friends at Paris an account of his late misfortune; and after complaining of their neglect, in not bailing him out sooner, and intimating that such usage might have provoked a passionate man to betray their secrets; he says, your old friend Rig indeed offered all that could be expected from the poor man. This passage proves pretty plainly that Rig was one of those whose secrets it was in Kelly's power to have betrayed, and who therefore thought himself principally concerned to keep Kelly in good temper, by all possible offers of assistance.

Kelly in his next letter of the 18th of June, says, "The occasion of my misfortune I will lay at nobody's door in particular, though your old friend Rig seems to believe, it has rather proceeded from some pretended friend than any real enemy; and as his conjecture lies on this side, you may easily guess the point it tends to." This passage shews, that the discoveries made were known by Rig to be well founded, since no one could be led to suspect, that an information intirely false should proceed from some friend intirely in the secret; besides, it shews Rig had friends, in whose power it was to betray him, and that those friends were known to the correspondents in France, since Kelly says, they are able to guess who it is that Rig suspects on this side. This is a farther intimation, that Rig had friends on the other side of the water, in whose power it was equally to have betrayed the secret.

Kelly then tells Dillon, "That it is absolutely necessary to make no more use of their present accompt book, since they that have got part, may by the same method have got the whole." This is a direct confession, that the names of Jones and Illington, and others on which Kelly was questioned, were really a part of the cypher in use between him and his correspondents in France: And as Kelly writ word that Illington was the person principally struck at, and knew very well by Mrs. Barnes's confession about the dog, who Illington was understood to be, it amounts to a confession, that that exposition of the name of Illington was true.

He then adds, "All that lies in my power now, will be to deliver to your cousin Rig any goods you can send by private hands, he being determined not to receive them any other way." So that by private hands Rig was still willing to receive them.

However Kelly says, "If your business can be conveyed any other way to him, you cannot do me a greater favour; for to tell you the truth, it is against my opinion and inclination, to have any farther dealing that way." This shews what dealing Kelly had hitherto had, and at the same time explains how Carte comes to be employed in managing the bishop's correspondence for the future.

Kelly adds, "That he does not know how far this late affair may affect Rig." This shews that he knew Rig was engaged in some criminal correspondence, since the receiving a dog from France, or being called by a fictitious name, could not otherwise have affected him.

On the 16th of July, Carte writes a long letter about some MSS. and Weston's opinion of them, as also that of Finch. What is meant

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by Manuscripts, does not appear; neither is it certain who Finch is, but he is spoke of as being in high repute with Weston.

On the 1st of August, Dillon writes to Carte, "That he cannot apply to a more sufficient judge than Weston about his concern with Mr. Finch; and he often repeats, that he makes a most particular case of Mr. Weston's judgment, that he relies intirely on Weston's friendship and advice," and other expressions of the like nature.

On the 14th of July, Dillon writes a letter to Weston (the bishop) enclosed to Carte, in the following words:

"To Mrs. Weston, inclosed to Mr. George Williams at Mrs. Harbin's over against Somerset House.

"Dear Madam, *Saturday*, 25 *July* 1722.

"I cannot on any reasonable grounds complain of your silence, though long it appears, because I am informed of the situation your health, and the concerns of your family, are in by bankrupts and law-suits; permit me however to fulfill a part of my duty in presenting you my best respects, and unalterable attachment to you and yours. I wish this may find you so far recovered from past mischances, as that you may be once more in a humour of affording me a comfortable line. I have all the stock I bought lying by, and I intend it shall remain so, until you advise me of the proper time to dispose of it, being fully convinced that in the slippery age we live in, I cannot confide to any better than you. I hear many say that our stocks will infallibly rise again to a good height, by Mr. Walpole's wise and able management; from whence I should hope not to be so much a loser in reserving mine. Still my lights at this distance can be but very imperfect: Therefore, dear madam, I will earnestly pray your direction, when you find leisure to grant me this favour, as also of forgiving this trouble, for which I offer amends in any manner I can be of service to you. The few acquaintance of yours I converse with in these parts, are well, and rely, as I do, on your friendly advice, in a most particular manner about their concerns in the funds. They desire you will be pleased to admit Mr. Skinner to receive your commands, who is directed to call upon you, and explain some particulars too tedious for a letter. He seems to be very ready at business, and will obey your orders punctually. I am with the greatest esteem and sincerity, dear Madam, yours, &c. DIGBY."

On the 16th of July, Dennis Kelly writes word to France, that Skinner arrived in town the night before, that he had been to wait on him, longing much to know how the fall of stocks affected his friends.

On the 26th of July, Kelly writes to Dillon's secretary, "That Rig and Skin had been lately together, and that before they met, Rig had sent to him to know if Skin stood well with Dillon and partners." He adds, "That Rig still seems to promise his assistance, if he can get the better of his suspicions; and that Rig went into the country the day after Skin and he had been together." It appears by a deposition annexed to this Report, that the bishop came to town on the 19th, and returned to Bromley on the 21st of July.

On the same day that Kelly writ, Stanley who is the same with Skinner) writes to Dillon "I have been with your correspondent to whom the letter of credit was sent, who has partly answered my demands, and promises to comply in all points with your directions."

He then adds, "I must now give you an account of what product may be hoped for from the public funds."

Then follows a paragraph, some few letters of which are in cypher, but as your Committee is informed, in such an easy and obvious one, that any one that reads it, may with the least attention decypher it. In this paragraph, instead of saying a word about the funds, he acquaints Dillon, "That they are certainly betrayed by some one intirely in the secret, who has given such light into all their affairs, that the most minute circumstances are perfectly found out; that therefore he must caution him, as he is requested, to be very careful who he converses with even at Paris, without excepting any one."

This paragraph explains sufficiently what is meant by stocks and funds; and it is remarkable, that in Plunket's cypher, Brokers is explained Agents. The owning themselves discovered by some one intirely in the secret, proves there was a secret, and that the discoveries of the government were well founded.

He then adds, "I have partly prevailed with the correspondent (Weston) to undertake what he had firmly resolved against, which is the procuring Arrack, which cannot fail succeeding by that channel." And on the 30th of July, Carte writes to Dillon in the following words:

"I had the honour of introducing Mr. Stanly to Mr. West, who received him in the best manner, and assured him of his readiness to serve him in what he could. Mr. Stanley was much pleased with him, but did not engage him to solicit in his Arrack affair, which yet is of the greatest consequence to him, and Mr. W. is most capable of serving him in, because in the esteem of all the commissioners in whose power it is to relieve him in the case. And as Mr. W. would do it effectually if engaged in it, so Mr. Stanly desires me to beg the favour of you to request the favour of Mr. W. in a letter from you to Mr. Stanley, which he is sure would fortify the good inclinations Mr. W. has already to serve him, and effectually engage him in the thing."

The original of this letter being stopped, is, as your Committee are informed, in Carte's own hand-writing.

What is meant by these mysterious passages about Arrack, must be left to the conjecture of the House.

If this be compared with the bishop's letter to Dillon, and with Pancier's deposition, it i

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not improbable, that by Arrack may be meant contributions of money.

But whatever is meant by it, the Committee observe, that it was a point of the greatest importance to the conspirators, since it was thought necessary to be laboured by a person sent from France on purpose; and the bishop's reluctancy to come into it argues it to have been something very dangerous, and beyond the ordinary lengths of his compliance.

And they observe that the principal direction of the conspiracy under all the disguises of Stock, Manuscripts, and Arrack, is submitted to the bishop's judgment, on which, it is often said, they do intirely rely.

Your Committee having thus laid before you the principal matters in the intercepted correspondence that relate to the bishop of Rochester more immediately, will now proceed to state to you what they find in the same correspondence relating to George Kelly, who, as has been shewn before, acted so much under the direction and influence of the bishop, that it cannot be supposed he would take any step of consequence in an affair of this nature, without the bishop's being at least made privy to it.

The Committee forbear repeating what was mentioned before about the heads of memorials to the Regent, brought by Kelly to Neynoe; but they find some further particulars in Neynoe's papers, relating to Kelly alone.

"That Kelly had owned to him his having been formerly at Avignon while the Pretender was there; that at his return from France last winter, he brought over several papers and letters, and among the rest, one in French, in the hand-writing of Dillon's secretary, intitled, Reasons humbly offered to cardinal Du Bois, proving that the establishing the house of Stuart on the throne of England, preferably to that of Hanover, is the real interest of the crown of France, or to that effect. That this piece was brought to Neynoe to be translated, which being written by a Papist, and turning much on the advantage that would accrue to Popery, Neynoe advised against publishing it.

"That Kelly told him at other times, that 100,000*l.* nay 50,000*l.* would be sufficient for bringing in the Pretender, and that he would warrant the sum would be found.

"That whenever there happened to be a stand made for the Pretender, great numbers of volunteers from France would appear for him," which agrees with the accounts sent from thence, and with the letter from Dillon's secretary about securing Sadlers, which Kelly explained to Neynoe to mean Irish soldiers."

Neynoe farther said, "That Kelly proposed to him to go over to France, and to settle in lord Lansdown's family, where he said he might be of service, and promised to make his reception easy." And your Committee observe, that the very time, when Neynoe was taken going to France, Kelly writ to Dillon's secretary, "That he would soon see a young fellow, whom he had mentioned to him some time before; and that he might rely on his honesty."

Neynoe farther declared, "That Bingley his fellow-traveller (now in custody) lodging in the same house with Kelly, when Kelly was first taken up, burnt a bundle of writings, he had that day received from Kelly."

John Malone (formerly servant to Mrs. Barnes) who waited on Kelly at his lodgings has deposed, that this Neynoe, John Plunket now in custody, Carte, and Dennis Kelly, often visited George Kelly.

As George Kelly is frequently designed by a great variety of fictitious names in the intercepted correspondence, the Committee think it proper first to apprise the House, what reason there is to assert, that those names do really belong to Kelly; and then to shew the nature and import of the correspondence carried on under those names.

It appears to your Committee, that since the beginning of April 1722, (the time of Kelly's last return from France) a great number of letters going to France, were by order of the government opened, and copies of them taken, and that several of those letters, though signed by different names, were observed by the clerks who copied them, to be all in the same handwriting, and one of the originals having been stopped for a specimen of the hand, and having been shewn to John Malone, he has deposed upon oath, that he had often seen George Kelly write, and that he believes it to be his hand. Three other papers seized at Mrs. Barnes's, having been shewn to Malone, he has sworn them severally to be Kelly's writing, and the same three papers having been shewn the clerks of the post office, they have sworn, That to the best of their knowledge and belief, as well the original letters stopped, as the others sent forwards, which were signed, some of them Johnson, others Hatfield, J. J. G. H. and Wilkins, were all in the same hand with those three papers so attested.

This general proof fixes several of the names to belong to Kelly: and it is remarkable that if any of the names above mentioned be allowed to belong to Kelly, all the rest by which he signs or is directed to, may, by the series of his correspondence, be shewn to belong to the same person.

But your Committee farther observe, that almost every individual name he makes use of is attended with some particular proof, which determines it to belong to him: of which notice will be taken as the names are mentioned.

It has been observed already that he came from France about the 19th of December, N. S. 1721, and that a letter was found among the bishop's papers dated the 16th of December, in which mention is made of a letter received by Johnson, and an answer returned some time before in Johnson's hand.

Neynoe declared that the last memorial to the Regent, which Kelly employed him to draw up, was in December 1721, and that it contained a demand of 5,000 men for the assistance of the conspirators; in February following Kelly went again to France, and towards the end of April the government received unques-

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tionable accounts, that repeated application had been made to the Regent for such a body of forces.

The bishop in his letters (writ soon after Kelly's return from France) acknowledges the receipt of a letter and verbal instructions from Marr by Hatfield, and of a letter from the Pretender by the same hand, and mentions Hatfield as knowing his present unfitness for business.

But the letters signed Hatfield, which were copied at the post office, are sworn to have been in the same hand with other papers which are sworn to be Kelly's hand writing: and it appears by a letter from Marr to Hatfield, that he was the person to whom the dog was sent for Illington, which shews Hatfield to be Kelly, and confirms Neynoe's information, that Kelly received letters directed by the name of Hatfield; and it appears that he not only brought over letters from France, agreeably to what was told Mrs. Levett by Mrs. Barnes, and confirmed by Neynoe; but that he was trusted with a letter to the bishop from Jackson the name made use of for the Pretender in Plunket's cypher, which cypher it is evident Kelly was no stranger to, since he makes use of several other names* found in that cypher, to denote the very same persons that are there expressed and designed by those names.

On the 21st of April Dillon's secretary writes to Joshua Vernon (which will be shewn to be another of Kelly's names) congratulating his safe return; and tells him, "That his first letter was very pleasing to Mr. Lane (which is explained lord Marr in Plunket's cypher) who waited with much impatience for those of Monday, hoping to receive a more particular account of his bills, which he daily becomes more pressed for, the prospect of a good vintage encreasing by late showers which had dropped there, and raised the spirit of the labourers; he adds, that it seems more plain, that on advances of ready money, good bargains may be proposed."

He afterwards tells him, "That Dillon advises the money which Kelly mentioned in Clynton's hands should be equally divided between Medley and the Pretender;" who Clynton is does not appear to the Committee, but they see reason to believe from passages in other letters, that Medley means the late duke of Ormond.

He then tells Kelly "That Farmer and family are well, and that Mrs. Hughes became so very uneasy she was dismissed and is on return."

This passage shews, that Farmer means the Pretender, it being well known that Mrs. Hughes was nurse to the Pretender's child, and was on her return to England about this time.

From this letter your Committee observe, that Kelly was employed by Marr and Dillon in soliciting supplies for the service of the conspirators, and that he had acquainted them of a sum of money lodged in the hands of one, whom they call Clynton, which they advised should be equally divided between the Pretender and Ormond; whether Kelly was considerable enough to have this advice sent him for his own government and direction, or was only to be the channel for conveying it to some other person of greater distinction, is left to the consideration of the House.

On the 23rd of April (as has been observed above) Kelly sent the bishop's packet of letters under cover to Gordon at Boulogne, with orders to him to deliver it to a tall black man who would soon call on him for it.

This person is in other letters called Crow, and appears to your Committee by several concurrent proofs to be James Talbot, an Irish Papist, concerned in the Preston rebellion, and now in the Spanish service.

Kelly in his examination before the Committee owned his being intimately acquainted with this Talbot, and his having seen him the morning he left England: and a letter signed J. Talbot was seized among Mrs. Barnes's papers, in the same hand with a letter sent from France to Kelly, signed J. T. which is an answer to one writ by Kelly to Crow.

On the 29th of April Gordon acknowledges the receipt of a packet (already proved to be the bishop's) and says he delivered it to the gentleman as he was directed, who set out for Paris on the 30th of April. On the 1st of May, Dillon's secretary writes to Kelly, "Your friend Crow is arrived safe, and delivered the three books you gave him, as directed.

On the 2nd of May, Dillon himself writes to James Baker (which will be shewn to be another of Kelly's names) and says, "I saw your acquaintance Crow two days ago, who delivered me a present from my cousin Jones."

And on the same day James Talbot writes to Kelly, "That Mr. Gordon gave him the packet at Boulogne, which he delivered safe on Monday last as directed; he adds, the person received me very obligingly, and was much more open to me than I expected. Then, and since, he let me know he does not despair of doing his business."

On the 7th of May, Kelly writes to Dillon, "That Illington was glad to hear he had received his Letters by Crow, and wished his next might be more to Dillon's satisfaction."

From these passages it appears at one view, that the bishop's letters were sent by Kelly to Boulogne by the post; and thence conveyed to Dillon at Paris by Talbot, Kelly's intimate friend.

On the 24th of April, Dillon's secretary writes to Kelly a long account of one Xoland (Nicholas Wogan) who was to command one of the ships that was to be hired of some Swedish merchants at Cadiz.

This agrees with Mr. Crauford's letter of the 25th July N. S. 1722, in which he says that Nicholas Wogan was to have the command of one of the ships under Morgan, one of which having been lately taken at Genoa,

* Lane, Howell, Xoland, Cane.

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the commander (as your Committee are informed) has writ over hither, that she was hired of some Swedish merchants at Cadiz, with several other circumstances, which agree intirely with this letter to Kelly, and shew for what use those Swedish ships were hired.

In the same Letter Dillon's secretary takes notice, "How kindly Freeman (the Pretender) had spoken of Kelly in his last."

On the 30th of April, Kelly answers this letter, but calls Nicholas Wogan by the name of Moore, and says, "I wish his chief may succeed in his journey;" which being compared with the accounts sent about that time from Mr. Davenant at Rome, that the Pretender was preparing to embark, makes it more than probable that he is the chief, to whom Kelly wishes success.

Kelly then gives an account of a very important conversation he had with one Hore; who is meant by Hore, your Committee will not take upon them positively to determine, but by comparing several passages of the letters together, it appears to them highly probable, that it is sir Harry Goring, in which opinion they are the more confirmed by Hore's being mentioned as ill of the gout in France on the 14th of September; and Kelly takes notice in his pocket book that sir H. G. went to F. the 23d of August, which was the day before the bishop was taken up.

In this letter, Kelly says, "Hore is most impatient to have a more satisfactory account from your side, and hopes there may be room now to expect it, since there was nine remitted by Repney; he will soon as he tells me, send you two more, which with the twelve thousand arms provided by Mansfield's (Ormond's) relations, and which are now ready to be sent wherever designed, and paid for too, will, he hopes, bring matters to some prospect of bearing."

Your Committee observe, that this impatience of Hore falls in, in point of time, with the account lord Orrery gave Layer, that lord North and Grey, sir Harry Goring, lord Strafford, and others, were going to do a rash thing in favour of the Pretender. That it likewise agrees with the letter to Dodsworth mentioned in the former part of the report, where it is said, "That the hopes given by G. to expect a great sum, and by N. that he had raised twenty thousand pounds, induced Ormond to supply Morgan, and to make other necessary provisions;" part of which provisions appear to have been the twelve thousand arms mentioned in Ormond's letter of the 27th of April, in Mr. Stanhope's the 8th of June, and again in this letter of Kelly's.

Kelly adds, "That he hears Ormond continues still upon the old string, that he can get no officers, and says, I wish the sending over Hore's, &c. commissions may not do more hurt than good, for that affair is already become no secret, and may pique some friends, as well as put ill wishers on their guard."

This passage shews that the scheme for an insurrection was at that time in such forwardness, that commissions were actually sent over, and confirms the account of the late duke of Ormond's being expected with officers and arms to support it.

On the 1st of May, O. S. Dillon's secretary writes to Kelly; "That he believes they have a sufficient quantity of barrels bespoke, for the wine they intend to buy; and that he hopes Clynton and company have sent Malcom half money, which Hore said he had, to pay for the barrels which Jacobs has at his disposal."

It has already been shewn that Malcom means the Pretender, and as Clynton's money, which was before to be divided between Ormond and Jackson, is now to be sent half of it to Malcom, this is a farther confirmation that Jackson means the Pretender; and agrees with the intelligence from France of sums sent about this time to Ormond and the Pretender.

In a letter to Kelly of the 2d of May was inclosed one from Dillon to Jemison, who appears to be some intimate friend of John Plunket's, and was present in France, when the cyphers were settled between Dillon and Kelly, but his real name is undiscovered.

In this Letter Dillon acquaints Jemison, "That Mrs. Freeman intends to bring her cause to a trial as soon as possible, and that he believes Mr. Abel's departure will be no detriment to her pretensions." This passage, compared with other letters, shews that by Freeman is meant the Pretender, and by Abel his Majesty, and confirms the design of an insurrection at the beginning of May.

Dillon then desires Jemison, "To assure his cousin Rogers (John Plunket) of his best respects, and how much he depends on her friendly and kind offices in his family concerns, which have great need of so good assistance."

Plunket being examined by the Committee in relation to this letter, denied his knowing any such person.

On the 7th of May, Kelly writes to Dillon, acknowledging the receipt of the letter for Jemison, mentions a long discourse he had with one whom he calls Mr. Fox, who resented his being put out of the Pretender's service by Dillon; but Kelly endeavoured to convince him that Dillon had no hand in it, and laboured to regain him. Who Fox is, does not appear to your Committee.

Kelly then takes notice, "That the Pretender's favours to Hore, &c. had given great offence, and that Rogers (Plunket) hearing of the freedom which Hore and some of his partners took with him, is much disobliged at it, and had ordered Jemison to tell Dillon so.

Your Committee observe from this passage, that Plunket was treated as one whom it was thought of consequence not to disoblige; and that Kelly was apprized of his intimacy with Dillon.

Kelly then gives an account of his having called on Mrs. Medley's (the duchess of Ormond's) chaplain. The Letter which desired him so to do, was directed to James Baker,

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and this in which he says he has called upon the chaplain is signed J. J. which shews that James Baker is the same with J. J. which are the initial letters of James Johnson.

On the 10th of May, Kelly writes to Dillon's secretary an account of the discoveries made by the government, and the encampment of the king's forces; but your Committee observe his assurances of success were so strong, that in the same letter he says, "The king will go abroad next month, and if you can then compass barrels enough, the sooner the wine comes, I believe, the better."

On the 19th of May he was taken into custody: and it appears to your Committee by the deposition of one of the messengers who seized him, that when he was seized he offered to draw his sword, but was prevented. That the other messenger being called out of the room to rescue one of their companions, who was in danger of being murdered in the street, Kelly called to the people of the house to lock the door, and seizing his sword, which had been laid by in the window, drew it, and made a pass at the messenger, who verily believes he did it with an intention to murder him; that he afterwards made a second pass, and swore if he came in again he would stab him; and said, that if the secretary of state who signed the warrant had been there he would have done the same. That the messenger going out to call for help, and returning within a minute, was told, that Kelly had in the mean time burnt one of the papers seized upon him.

Another of the messengers has deposed, that before Kelly offered this violence, he had been shewn by the messengers the scutcheons or badges of their office, and likewise had been shewn their warrant signed by one of the Secretaries of State; that the warrant was also shewn to a person present in the room, who perused it, and declared to Kelly, that it was a sufficient authority for apprehending him.

Your Committee think it unnecessary to make any observation on a behaviour, which implies his having so strong a sense of his own guilt, that he rather chose to stand all the consequences of resisting and assaulting his Majesty's messenger in the execution of his office, than to let his papers fall into the hands of the government, fearing (as may justly be concluded) that such a discovery might prove fatal to himself as well as others.

But your Committee find, that however careful he was to destroy all his Papers, yet one was seized upon him and preserved, which is of itself sufficient to prove him concerned in the treasonable correspondence above set forth.

It was a List of Directions in the following words:

"To Anthony Saunders, esq. or Mr. Joshua Vernon at Will's coffee-house, Covent-garden, London.

"To Mr. James Baker, or Arthur Stephens, esq. at Burton's coffee-house, in King-street, St. James's, London."

By the three first of these names most of the Letters to him above-mentioned came directed; and your Committee find, that a person having been employed to watch at Burton's coffee-house who should take up letters directed to James Baker at that house, has deposed upon oath, that on the 14th of May, a letter so directed being left there by the postman, George Kelly came in and took the same, opened and read it, and went out of the house with a Letter in his pocket to Mrs. Barnes's.

It appears to your Committee, that when he was examined before the lords the 21st of May, 1722, he endeavoured to account for his receiving letters by various names, by saying, that one Mr. Talbot, who was under a cloud, and who went for France or Spain about a week before, had desired him to call at coffee-houses for letters directed to the said Talbot by several names; and particularly that the letter directed to Baker, which he owned he took up, was for the said Talbot. Yet your Committee observe that the said Talbot arrived at Boulogne on the 25th of April, and did himself send a letter from Paris to Kelly on the 2nd of May, signed J. T. directed to Mr. James Baker at Burton's coffee-house, aforesaid, and letters continued to be sent by that direction from Paris, till the time that Kelly was taken into custody, though Talbot was all that time in France.

Kelly being examined by your Committee in relation to these letters, persisted in the same account, that they were for Talbot, and that the occasion of Talbot's going abroad, was, that Talbot had received an account of general Crofton's being dead, and of his having left him what he had. Which particular, your Committee observe, agrees in part with Neynoe's account, that Kelly had shewn him a letter at Burton's coffee-house, from Dillon's agent or secretary, in which it was said, that the death of general Crofton would be a great loss to Mansfield, which name Kelly explained to him to mean the late duke of Ormond.

Kelly farther owned to your Committee, "That he went to France the beginning of the winter, 1721, and again the spring following, on account of transactions he had in the stocks there; that he was desired by a brother of the lord Dillon's to carry over to general Dillon, an act of parliament relating to the estate of that family, but that this was the only paper he carried; that he saw Christopher Glascock, who is a captain in Dillon's regiment, and knew sir John D'Obryan who is Dillon's secretary, and had likewise seen Colin Campbell of Glendonroule, at coffee-houses, but had never spoke to the latter.

Yet your Committee observe, that as in his letters he often sends services to sir John and Christy, he does also to Glen and Collins, which last name is explained Glenderoule in his own cypher taken among Dennis Kelly's

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papers. And when he was examined before the lords, he owned his having received letters from one Glasgow at Paris, which name in Plunket's Cypher is expressed by the fictitious name of Howell, and has been shewn above to mean the same with Quitwel, Querry, Bonneville, and other names which belong to Dillon's secretary, and are subscribed to several treasonable letters from France.

Kelly denied to your Committee his being at all known to the late lord Marr, or Alexander Gordon of Boulogne, though he owned his going by the name of Johnson, by which name the letter to Gordon was signed, and the answer from Gordon directed, and the letter from Mar was directed to Hatfield, which name has been shewn to mean the same person as James Johnson, and has been proved by other circumstances to belong to Kelly.

He owned his writing to a broken banker at Paris, by a fictitious name in relation to stocks, but said that he had forgot the name, and that he never received a letter in his life signed by a fictitious name.

But your Committee had reason to believe from the whole tenour of his behaviour at his examination, that he grossly prevaricated with them; for at his first coming in, before he would make any answer, he very formally insisted that nothing he should then say should be made use of against his own life, nor as evidence against any other person: And upon these conditions he promised to answer directly to all questions that should be asked him.

Your Committee seeing some reason from the manner of his insisting upon these conditions, to believe that he was disposed to act ingenuously with them, ordered him to withdraw, that they might consider amongst themselves, how far it was in their power or proper for them to agree to conditions, which would have made his examination of no effect; and upon his being called in again, and receiving such answer as the Committee thought it in their power to give, he denied his knowing any thing at all of the conspiracy. This your Committee apprehend to be altogether inconsistent with the conditions he insisted on, which manifestly implied that a confession of all he knew, might endanger his own life, as well as affect other persons; but in the course of his examination he owned to them, that the promise they had given him, was not satisfactory, though as he pretended, he could not have answered their questions in any other manner, if their promise had come up to the conditions he insisted on.

Your Committee observe, that Kelly was admitted to bail from his first confinement about the 7th of June last, and they conceive it to be a great aggravation of his guilt, that he immediately took advantage of this enlargement to resume the same treasonable correspondences, and to send triumphant accounts to France, of his having baffled the government by the hardened obstinacy of his behaviour, thereby improving, as far as in him lay, the liberty granted him by the favour and indulgence of the law, to the subversion of our happy constitution. For on the 11th of June, but a very few days after his being out on bail, he sent a long letter to Gerrard, (whom your Committee believe to be sir John D'Obryan, as has been already observed) in which, the better to disguise the matter, he gives an account of his cousin's late misfortune, as from a third person; but in a subsequent letter to Dillon the 18th of June, he owns the writing this letter himself.

In this Letter to Gerrard he says, "That he was bailed the Thursday before, and that the judges were never known so severe in any case of the like kind; that most of the questions asked him at his examination were about a little dog, which he got from a surgeon when he was last in France, that they mentioned no persons to him but general Dillon, and one Mr. Morgan; that to the first he owns he is a little known, having carried over an act of parliament to him that concerned his family, but that the latter he never saw; that lord Carteret had a list of five or six cant names, as he called them, which were Illington, Jones, Cane, Howel, Quitwel, and Hacket, and what he never heard of before; that however they would persuade him he knew some persons that were meant by those names, which he vows he never did, and whosoever Illington is, he was the person principally struck at. That he is not at all satisfied with the behaviour of his friends, that Gerrard's old friend Rig indeed offered all that could be expected of the poor man, but others in whose power it was to do more, shewed no concern at all for his misfortune; that he lay 10 days in the closest confinement, without so much as a message from any of those that he depended most upon; that it is well he had no secrets to reveal, since such usage might provoke a passionate man, and that the world is pretty well convinced that he had not, since no persons seemed to be the least apprehensive that he could do them any mischief.

"That this shews what the friendship of some people is; but whilst there is one righteous person, we must, for his sake, overlook greater misfortunes.

"That he is very well, and under no great concern for any thing as to himself but the expence, having more than his own to answer.

"He concludes, with desiring Gerrard to direct under cover to Mr. Andrews, at the Dog and Duck in St. James's Street."

Your Committee find that after this time several Letters did come from France, directed to Mr. Andrews at the Dog and Duck; and that the master of that house having been examined, has deposed on oath, "That one Andrews ordered him to take in letters, that should come by the foreign post so directed, and that three of those letters were directed to the Dog and Duck in King-street by mistake, but were afterward brought to his house in St. James's Street, and taken up by Andrews, who happened to be there when they came in."

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It appears farther to your Committee, that the said Andrews having been examined, has deposed on oath, "That Mr. Johnson, alias Kelly, desired him to take in some letters directed to him, Andrews, at the Dog and Duck ale-house in St. James's Street; that he received in the whole four or five in the months of July, August, and September last, to the best of his remembrance, that they appeared by the charge of postage to be foreign letters, and that he delivered them unopened to the said Johnson, alias Kelly, who paid him the postage; that he, Andrews, knew nothing of the contents, nor ever returned any answer to them."

On the 18th of June, Kelly writes to Crow, (James Talbot) giving him an account of his late misfortune, and the reasons of his silence, and mentioning his design of going over into France, as soon as his appearance in Westminster-Hall should be over.

"He then sends his service to all friends, particularly to sir John and Christy, (sir John D'Obryan and Christopher Glascock) and desires Talbot to tell the latter he must find out some other address for him to write by, since he has good reasons for not using the former, which have prevented him for writing to him these ten days past, and that if it were to a French person, it would be so much the better."

Your Committee observe, that soon after a French direction to Monsieur Masonneuve, was sent over to Kelly by Christopher Glascock, which Kelly made use of for some time, and the original letter in Kelly's hand stopped at the post-office, is so directed. They likewise observe the reasons which Kelly says he had, not to make use of the old directions, appear evidently to have been, that he was questioned before the lords on the names of Howel and Quitwell, which were the names made use of for Glascock.

He concludes his letter to Crow, with desiring him to direct to him by the name of Wilkins at Will's coffee-house; and your Committee observe, that not long after a letter came signed J. T. and so directed; which was stopped, and is in the same hand with the letter signed J. Talbot seized at Mrs. Barnes's, which confirms Talbot to be Crow.

In this letter to Crow was inclosed one from Kelly to Dillon, by the name of Dixwell; the substance of which has been partly set forth in that part of the Report, which relates to the bishop of Rochester. In this Letter "He desires to be excused from meddling in business for some time; but says, it does not proceed from any change of opinion, or resentment of the little concern that has been shewn him, but from a conviction, that without changing both their method and their people, it will be impossible to make any thing of it."

Kelly adds in this letter: "Your correspondents at Will's and Burton's are gone, and desire you may write no more that way, and when you do me that favour, please to address under cover to Mr. David Wilkins at Will's coffee house, Covent-Garden, and not to Andrews, as I desired."

This passage confirms the list of directions to Will's and Burton's found in Kelly's pocket; and shews that the letters to Wilkins, as well as Andrews, were for Kelly, though, as is before observed, he denied the having ever received any Letter under a fictitious name.

On the 28th of June, James Talbot writes to Kelly, "Congratulating him on his enlargement and behaviour, and expressing his surprise, that he should at such a juncture have reason to complain of want of friends."

On the same day, Glascock writes to Ireton under cover to Andrews; and as Andrews delivered these letters unopened to Kelly, this shews that Ireton is another name for Kelly, of which the matter of the letters furnishes abundant proof.

In this letter Glascock takes notice, that Kelly's Letter to Chitwood came safe. This refers to Kelly's Letter of the 18th to Dixwell, and shews Chitwood to be another name for Dillon.

"That what he had recommended in relation to the new book of accounts would be observed, and that Forrester had the same advice given to him and Ormonde." Who Forrester is does not appear to the Committee, but as he is mentioned here with the late duke of Ormond, he is probably the person, who wrote the letters to Dumville and Dodsworth above-mentioned.

Glascock then tells him, "That Ormonde had expressed much concern for what had befallen Kelly. He afterwards desires the particulars of his case, and to know what is wanting for paying off the doctor's and apothecary's bills, acknowledges the receipt of a letter from Rogers, and inquires after Jemison."

On the 28th of June, Kelly writes to Talbot, "Of the neglect that had been shewn him, and the reasons that he had to decline any farther traffic with the merchants here; he says, if Talbot perceives no likelihood of a sudden change for the better, he must retire to some cheap part of the country, if Dillon allows of it; expresses his great obligations to Dillon, and his readiness to execute any private commands of his;" and adds, (what appears to your Committee very remarkable) "If I were in a condition to bear the weight of public business, Dillon should never be at the trouble to employ another; but that he is heartily sorry Dillon himself has done it so long, for ungrateful people on this side; says, he never intended to trouble his friends on this side on his own private account, but public ones of this nature are what he thinks they ought to take care of, since they are best able to do it, and expect the best returns for it."

Your Committee observe from these passages, that, though Kelly would have it believed he only coresponded with persons in France on private affairs, relating to the stocks, yet he here owns in effect, that he had been

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trusted with affairs of a public nature, and that those transactions having brought on him the displeasure of the government, it was reasonable for him to hope for support from those in England, who expected the best returns from his and Dillon's joint labours.

Your Committee farther observe, that this letter was directed to Crow, and yet in it was inclosed one from Ireland, relating to family affairs, directed to James Talbot, esq.

On the 4th of July, Glascock writes to Kelly, "That Dillon intended to have sent him a letter of credit by this post drawn on Mr. Harrold, but kept it back till he heard from him for fear by removal into the country, or by any other accident, it should be lost."

On the 11th of July, Glascock repeats the same, and his suspicion that the letters to Andrews had miscarried. Then acquaints Kelly with kind expressions that he had seen from Dr. Freeman and Mrs. Malcolm (the Pretender and his spouse) in relation to Hawksby's first operation in his late violent distemper.

Your Committee observe from what follows in this letter, that, though in Plunket's cypher Hawksby stands for king George, yet in the Pretender's cypher it stands for George without any addition, and appears for that reason to be made use of to denote George Kelly in this place. Be that as it will, it is evident from what follows, that Kelly is the person here meant.

The Pretender's words mentioned in this letter are as follows.

"Hawksby's steady and resolute behaviour in the first operation answers the good opinion I have long had of him: I am fully persuaded that all the surgeons will do hereafter shall not be able to alter his temper; and I hope he will come off with patience and a short confinement, by which his health will become more perfect and satisfactory to his friends."

Glascock then adds, "Mrs. Malcolm (the Pretender's spouse) in her short way of expression, says, I am truly glad that honest Hawksby is recovered, for I take him to be a very valuable man."

Then he says, "I know these compliments will be comfortable to a sick person from his friends, for which reason I trouble you with them, as a proof of my attention towards one I wish so well."

These last words shew, that this comfort was intended for Kelly, to support him under his trouble, which is disguised under the notion of sickness; and your Committee think it unnecessary for them to make any observation on a passage, which shews so plainly for whose sake it was understood he had brought this trouble on himself.

Glascock next tells him, "That as he is upon regulating his new book of accounts, he should be glad to know whether Kelly and Jemison had those by them, they and Glascock rectified together."

This shews that Kelly's journeys into France were not wholly on private affairs, and confirms Neynoe's account of his having seen cyphers in Kelly's hands, and is again confirmed by the cypher found among Dennis Kelly's papers, which is in George Kelly's hand-writing.

Glascock then sends him the French direction he had desired.

On the 17th of July, Glascock writes again to Kelly to let him know why the bill was not sent, and to desire a sure address. He likewise cautions Kelly not to draw any more on Digby, but on Messieurs Chitwood and Duplessis, at Mr. Hues, banker, rue de la Monnoye. Your Committee observe that this was about the time that Mr. Cranfurd made the discovery above related about the name of Digby, and that for some time after Kelly directs his Letters for Dillon to Duplessis, till a new cypher, which he, Kelly, sent over afterwards, came to be made use of.

On the 19th of July, Kelly writes to Glascock, that Mr. Andrews received the several Letters from Glascock all together; which was occasioned by a mistake in directing them to King's street, instead of St. James's, which agrees with Andrews deposition above-mentioned.

He then "Returns thanks for the letter of credit intended him, and says it will come safe either to Mr. Wilkin's at Will's coffee house, or to Mr. Andrews at the Dog and Duck." This compared with Andrews's deposition, shews that the bill was for Kelly himself; which observation the Committee think it proper to make, because, when he was examined before them in relation to the letters directed to Andrews, though nothing was said to him about the said bill, he immediately endeavoured to explain away that matter by the following prevarication.

He said, "He had been desired by one Mrs. Oxburgh in the city, daughter to him who was executed, to receive some letters for her from abroad, and that he did not know, but he might employ one Andrews, or some other friend to take up such letters. That he had likewise received some money on a bill for the said Mrs. Oxburgh, of a little man, a banker in Lothbury, or somewhere behind the Exchange, and that he had indorsed the bill with his own hand."

Your Committee observe that this last circumstance makes it probable the bill was for himself, since his indorsement on a foreign bill (which is not usually made payable to the bearer) would not have entitled him to have received the money, nor have been a sufficient discharge, except the bill had been made payable to him.

They likewise observe, that Mr. Martin Harold, on whom the bill was drawn, whom Kelly avoided to name, does live behind the Exchange, though not in Lothbury; and in Glascock's letter of the 24th of July, Kelly is particularly directed to indorse the bill on Harold with his own name. Your Committee submit it to the consideration of the House, whether it is not evident from these circum-

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stances, that Kelly received the said money for his own use, as a reward for his sufferings, and an encouragement to persist in his obstinacy.

On the 23rd of July, Kelly writes to Talbot, "That this bill, and the hopes of success in another particular, when the term is over, makes him a little easy."

"That as to what they had so often talked about, he did not know what to say to it, and that Nicholas Wogan's return gave him the less hopes of it, but that he heard the Beautiful Squire was certainly determined on something, but when, and in what manner, is what he knows nothing of." Who is meant by the Beautiful Squire, the Committee cannot take upon them to determine; but they observe this letter was writ the day after Layer's return by Epping from Norfolk, at which time he told Plunket, That the Pretender's friends would run down the ministry and king George in a little time, and bring the law-suit to bear on their own bottom, independent of the Regent or any body else;" as is related in Plunket's letter of the same date with this of Kelly's.

On the 2d of August, Kelly writes to Glascock, "That he had received the bill. That his Letter of Licence is not out till the end of October, and that his creditors threaten then to shew him no mercy; in the mean time he must hope the best, and wish that some good turn of fortune may enable him to do them justice."

He adds, "That he expected to have sent the state of their accounts before now, but that the gentleman who was to carry them, met with an accident the other night, which prevented him, therefore he cannot do it till he recovers, or some other opportunity offers:" Then sends a long account of Dennis Kelly's being taken up.

On the 6th of August he sends the same account to Dillon, and mentions the great terror the guards are under from informers; which intelligence your Committee observe, was thought considerable enough to make an article in the Pretender's late declaration.

On the same day he sends Glascock an account of Sample's, Cotton's and one Campbell's being taken up; "That there were reports of one sir Harry Goring's being taken, and of forces being sent for the lord North and Grey, lord Strafford, and other persons of quality; but that he finds that there is no truth in them, and is told that the two last are come to town. He then desires to know Dillon's private thoughts from whence the ill report of his cousin's circumstances comes, which has occasioned this severity from his creditors, and says, he hopes soon to send the state of their accounts, which has hitherto been delayed for want of a proper hand."

On the 9th of August, Kelly writes to Glascock, "That Den is come to town and behaves like a friend; but that Rep is still in the country, and so is Ho; and that the latter had earnestly desired Kelly to go to him for a few days which he had hopes of doing, but intended to make but a short stay."

Your Committee see reason to believe, that by Ho is meant Hore; and they find an entry into Kelly's pocket-book of his having been at Mrs. H's, and another entry in these words; to enquire for Mr. ——— at Mr. William Baysing's at Horn-Dean, which is a house much frequented by sir Harry Goring, as appears by a deposition annexed to this report.

Who are meant by Den and Rep your Committee will not take upon them to determine, though they think this letter, compared with that writ three days before, may lead to a discovery of the persons meant.

On the 13th of August, Kelly writes again to Glascock, "That he intends to visit H. who being at a pretty good distance in the country, he cannot return under four or five days." Which agrees with the circumstance of his going down as far as Horn-Dean near Petersfield.

He afterwards adds a very remarkable paragraph in these words: "What would you advise poor Trotter to do? he is ready to take a voyage any where, and is, you know, an honest and fit person for that business; he has wrote very earnestly to me for my advice, which I told him I could not give till I heard from you."

Your Committee think it their duty to observe to the House, that in the cypher found among Dennys Kelly's papers, in George Kelly's own hand-writing, Trotter is one of the fictitious names set over against the name of Carte, and that on the day this letter was writ his Majesty had issued his royal proclamation for apprehending the said Carte; against whom it is there set forth, a warrant had been issued by one of the secretaries of state for treasonable practices, and that he had absconded and fled from justice.

Yet it appears from this letter, that George Kelly, far from discovering where the said Carte was concealed, was desirous to promote his escape, by getting him invited to undertake a voyage into foreign parts; and that notwithstanding the treasonable practices alleged against him, he here gives him the testimonial of an honest man, owns his having had communication with him by letter, after the time of his escape, solicited Glascock in his favour, and undertakes to aid and assist the said Carte with his advice, as soon as he should have an answer from Glascock.

On the 13th of August, Glascock writes again to Kelly, in relation to the bill on Harold, and mentions his expecting the gentleman soon that was to clear accounts.

He afterwards tells Kelly, "That Mrs. Musgrave had received advice from her father, that she is not to expect a farthing of the allowance due to her for the time past, or to come, which Allen had procured a seizure of, on account of her husband's debts and mismanagement."

Your Committee from comparing this letter with others where Musgrave is mentioned, and from observing the date, see reason to believe, that this passage relates to the stopping a pen-

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sion, which the Committee are informed by his Majesty's singular bounty and indulgence, and upon application from the late lord Marr, and promise of services, was allowed to him; and they cannot reflect, without indignation and astonishment, on the black ingratitude of persons, who, while they were in a great measure subsisted by his Majesty's unexampled liberality, were labouring by the most wicked and unjustifiable practices to dispossess him of his crown, and to destroy his sacred life.

On the 17th of August, Glascock writes again to Kelly, and among other things says, "He is contriving to get at Barker for a relief in favour of Farmer's (the Pretender's) children, in case their step-father should pretend to deprive them of their due." It appears by another letter, Barker means some considerable person in France; but what this passage particularly relates to your Committee cannot with certainty determine. However, they have thought it their duty to lay this and other obscure passages before the House, that it may be seen how much it is in the power of persons now in custody to discover, and of what importance it is to the safety of his Majesty's government, that such discovery should be required at their hands.

On the 20th of August, three days before the bishop of Rochester was taken into custody, Kelly writes to Glascock (the original of which letter is stopped, and sworn to be his handwriting,) and says, your cousins Ireton and Wilkins are both gone into the country, and earnestly beg the favour of you not to write to them any more, for which you will soon know the reasons.

On the 30th of August he writes to Dillon; and after giving a very long and particular account of all the circumstances of the bishop's being taken up, examined and committed to the Tower, he says, "You are by this satisfied of the reasons of my late silence." Your Committee observe, that these passages shew the connection, which Kelly thought there was between the bishop and himself.

In the same letter of the 20th of August, your Committee observe another very remarkable circumstance; Kelly says, That he is going to the country that day, and he had said before that he was going to Mr. Hore's.

In his pocket-book notice is taken, that sir H. G. went to F. on the 23d.

On the 14th September, Glascock writes him word "That Mrs. Hore was under a fit of her old sickness at Rouen: but that it was not safe, for many good reasons, to have her transported to Paris, there being abundance of quacks going about, which cause much mischief."

From this time forwards Kelly makes use of a new cypher of names, and new directions to his Letters.

On the 27th Kelly writes again, and says "That since Mr. G. Sampson went, he has not heard a syllable from his correspondents in France, which has been a great detriment to several of their friends."

On the 9th of October Glascock sends him word, "That all the letters he wrote by the Post, came safe; but that he had not yet seen the person, who was to deliver him the particular instructions and address he was to make use of, that person being still detained in the country; but that he had taken measures to get from him the memorandum Kelly had given him."

On the 17th of October, Glascock sends Kelly word, "That the book of accounts sent by G. Saunders is at last come to hand, though the person that brought it is still in the country, so that they are now in a condition to settle accounts with Kelly." And from this time forward, the correspondents in France make use of a new cypher of names, and new directions to their letters.

From all these circumstances, your Committee see reason to believe, that Kelly sent over a new cypher, and a new list of directions to France by sir Harry Goring; in which they are the more confirmed, by observing that this new cypher appears framed in such a manner, that the initial letters of the real names are always prefixed to the fictitious ones, which last are frequently varied, but the initial letter never. This will be more clearly understood by instancing in one of the names.

The person who carried over the cypher and list of directions from Kelly, is in some letters called G. Sampson, in others, G. Stephenson, G. Saunders, and G. Samford; and appears to be the same with Mrs. Hore, who was observed before to be probably sir Harry Goring.

Your Committee farther observe, That all the names made use of in the new directions, were entered by Kelly in the pocket-book that was taken upon him when he was last seized, with such marks and observations before them, as need no great explanation. Over-against the names of Bonnaville and Disode, is writ the abbreviation Glas. and a letter signed Disode, having been stopped at the post-office, appears to be in the same hand as those signed Howell, Quitwell, Querry, &c. which were shewn above to have been writ by Glascock. Over-against Brisac and Du Puy, is writ Stur; and your Committee find that letters came for Kelly directed by these names to Sturgis's coffee-house. Over-against Contade and Lunelle, is writ Slau; and your Committee find, that letters thus directed were left for him at Slaughter's coffee-house.

The Committee are sensible, That their entering into so minute a detail, must be tedious to the House, but as the conspirators have been been no less industrious, than they are obstinate in concealing their treason, your Committee have thought it their duty to trace it through every disguise, as near as they could, and to lay before the House every circumstance which may any way tend to a discovery so necessary for the safety and quiet of these kingdoms, and yet so little to be hoped for from the present temper and disposition of the conspirators themselves.

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The first of Kelly's Letters, writ in this new cypher, is of the 10th of September, directed to Bonnaville (Glascock) under cover to Hues, banker at Paris.

In this he says, I hope you have seen G. Stevenson before now, and mentions a trunk that he is soon to send to him; which circumstance shews he is the same person meant by G. Sandford in other letters.

He then takes notice of a young fellow that he had recommended, which was observed before to be probably Neynoe, "and earnestly begs the goods he carries with him may be disposed of at any rate; and, if possible without, Mr. L. Crawford's or his partners being concerned in the bargain." Your Committee observe from Neynoe's informations, that he was to be recommended by Kelly to lord Lansdown's family. They likewise observe from several other letters that Dillon, upon the caution given him by Skinner from the bishop of Rochester, was grown very jealous of his former friends at Paris; from which circumstances, they think it probable, that by L. Crawford, is meant lord Lansdown.

He then adds, "Your cousin C. Saunders is well, and with a friend in the country, who will take particular care of her, till a better service can be got for her."

This compared with what he says in his letter of the 13th of August, of Trotter's having writ to him for advice, and wanting to be employed in a voyage or other business, makes it probable that by C. Saunders is meant Carte.

He then adds, "Your relations N. Crone and S. Farrel have made several bargains for ready money in the third subscription; and as the time allowed by parliament for non-prosecution will be out as soon as it sits, their creditors will then fall upon them and all their friends, and put them in jail, except you can send them some relief: and though your actions are at a very low price, however, I believe, they would be extremely pleased to have them sold at any rate, to enable them to pacify their creditors on this side, and to put them in a state of safety."

It has been observed that the conspiracy is often treated of under the cant of stocks; and whether this third subscription may not mean the third period of time fixed by the conspirators, and the relief desired be not some assistance from abroad, is submitted to the consideration of the House.

That this passage cannot be understood in the literal sense, is evident from its being said, that the time of non-prosecution expires at the sitting of the parliament; but your Committee apprehend, that the meaning of this paragraph is fully explained by another in the same letter, in which Kelly says, "There is no prospect of the state prisoners getting out till next term; and if the Habeas Corpus act be suspended at the meeting of the parliament, they will remain during the government's pleasure, and perhaps have company enough." Who are meant by N. Crone and S. Farrel, is submitted to the conjecture of the House.

His next letter to Glascock is of the 27th of September, in which he complains, "That he has not heard a syllable from D. Gainer (Dillon probably) or G. Roberts (Glascock probably) since Mr. G. Sampson (Goring) went, which has been no small detriment to some of their friends." He adds, "The term being soon at hand, we shall be much at a loss how to manage without their advice, which G. Sampson positively promised to send a speedy account of."

"The situation of your friends stands much as it did, and nothing has happened of late in your family to ease their losses, or mend their condition."

He then gives a long account of the lord North and Grey's being seized at Portsmouth, and of his being to be brought to town that night; and concludes thus:

"I must now plainly tell you, that I am afraid your cousin N. Clifton is in a very bad way, and a person (whom he lately employed to manage some things for him, particularly to compound some S. Sea bargains) has not been true to him; for his creditors have actually put him in jail, and except you can contrive to send him some relief from what effects he put into your Missisippi (for I do not find he has any other prospect) his confinement will prove fatal to him. You know his worth, and for Heaven's sake do not forsake him."

This letter being mentioned to be writ on the day lord North and Grey was brought up in custody, your Committee cannot but be led to conjecture, that by N. Clifton is meant the said lord, and that the person said to be employed by him, and suspected of being false to him, is either Lynch or Layer; and if this conjecture be admitted, it is not improbable that by N. Crone, in the former letter, may be meant the said lord North.

On the 20th Oct. Glascock writes to Kelly, "That D. Gainer (who in another part of the letter is called D. Gregory, and is probably Dillon) thinks very seriously of the commissions with which Kelly had charged him for his friends, and does not refuse to employ his whole credit in that affair; but that one single article had consumed the bill of exchange, which N. Cleaton sent, and that there is not any other come that Dillon knows of."

Here N. Cleaton means evidently the same as N. Clifton in Kelly's letter, and it appears he had sent a bill of exchange to France, which was all consumed in one single article of expence. In former letters notice was taken of a bill of exchange sent over by Repney, and of 20,000*l.* raised by N.

In the same letter, Glascock takes notice of some goods sent by Contade and Lunelle for Kelly's use, which he desires Kelly to send for, and to acknowledge the receipt of them carefully.

It appears to your Committee, that these goods were the Pretender's declarations, which

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came inclosed that post, or the next, under blank covers to Contade and Lunelle at Slaughter's Coffee-house, agreeable to the memorandum in Kelly's pocket-book.

In another part of the foregoing letter, it is said, that Mr. G. Sampson has sent over his project of accommodation, and waits the event of it; which it is probable relates to the same declaration.

Kelly being examined by the Committee in relation to the names in his pocket-book said, "They were names of persons, with whom he had transacted stock-affairs in France several years ago. He owned he had seen letters at Slaughter's and Sturgis's Coffee-house directed by some of those names, but that it might easily happen, that there might be persons in England of the same names with others in France; and that it was his misfortune letters should come directed by those names. He insisted, that his pocket-book, though taken upon him, was an old one, that had lain by neglected these three years." Yet your Committee observe, the memorandums in it were of a late date, and contained a particular account of the time of his journies to and from France, and of the days on which he and Dennis Kelly, and the bishop of Rochester were taken into custody.

The House will observe, that this long and particular account of George Kelly is extracted out of such papers and informations, as were in the hands of the government relating to him, supported by such explications as seem to the Committee naturally to arise from comparing the several parts of them together; but that he himself upon his examination refused to make the least discovery that might give light to any part of this treasonable correspondence, though he plainly intimated he had it in his power to do it. And if in some particulars, the Committee should have fallen short of the true and genuine explanation of the names, or other facts, which may easily have happened in unfolding such variety of matter, so industriously wrapt up in the utmost obscurity; yet they conceive it will not lessen the credit of those facts in general relating to him, which are supported by unquestionable evidence, notwithstanding his denying of them, and prevaricating so grossly with the Committee.

Your Committee will now proceed to lay before you such particulars, as they have collected from the papers referred to them, relating to Dennis Kelly, esq. who appears to them, from several passages in the intercepted letters, to have acted in concert with the other Kelly, and behaved himself with the same obstinacy on his examination before them.

Your Committee see reason to believe, that the several fictitious names of Kirton, Killegrew, Sandford, St. George, and Hubberts, are made use of in the intercepted letters to express one and the same person; and as this person is frequently spoken of as living at the Cockpit, as being himself ill of a fever and ague part of last summer, as having a daughter who was troubled with returns of spitting blood at particular times there mentioned, and as being to set out with his family for France by Dieppe, the latter end of July; these several circumstances being confirmed to your Committee by the written examinations of Mr. Dennis Kelly's servants to have been true of him, and being in the opinion of the Committee applicable to no one else, they see reason to conclude, that what is affirmed in the intercepted correspondence of the person designed by the names above-mentioned, is affirmed of him.

Your Committee have likewise been informed, that enquiry having been made at the British coffee-house, who took up letters directed thither by the name of Sandford, it was found that one Mr. Kelly, who frequented that house, took them up. And a letter from France so directed, having been copied at the post-office, and then delivered out, the original of the said Letter, signed M. Digby, was found in Dennis Kelly's pocket, when he was taken up, as appears by the affidavit of the messenger, who seized him.

In this Letter Digby sends his service to his cousin Ireton, which has been shewn above to be one of the names belonging to George Kelly; and also mentions Hore, who has been already explained to be probably sir Harry Goring.

Your Committee observe, that the said Letter was writ in the same hand, with another signed J. Gerrard, which was likewise found among Dennis Kelly's papers, and has been observed above to be probably the name made use of by sir John D'Obryan, whom George Kelly declared to be secretary to Dillon.

They farther observe, that both these Letters, signed Gerrard and Digby, were in the same hand with others found in his custody relating to Dillon's private affairs, which confirms Digby to be Dillon, and Gerrard to be one, whose hand Dillon makes use of for his dispatches.

Another fragment of a Letter was found among his papers, mentioning the names of Ireton and Hore, which is in the same hand with the Letters to Plunket, signed Dixwell and Howell, and is therefore probably the writing of Christopher Glascock, George Kelly's correspondent.

Some other papers were also found in his custody, mentioning others of the fictitious names used in George Kelly's Letters, as also a long list of names, with fictitious names over against them, and a cypher of figures, which appear to be George Kelly's hand-writing, and are sworn, by the clerks of the post-office, to be the same hand in which the Letters signed Johnson, Hatfield, &c. were writ. It has already been observed, that this cypher of figures is found to be a supplement to the cypher in which the Letters of the late duke of Ormonde, and the bishop of Rochester were writ; and that the said cypher last mentioned is made use of in one of the intercepted Letters from Dillon to Dennis Kelly.

There was also found among his papers, an

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exact list of the quartering of his Majesty's forces a little before the time of the elections, and a scheme for erecting by-boats between London and Boulogne, which seems referred to in the Letters between George Kelly and Gordon of Boulogne.

There was also taken among his papers, a fragment of a very treasonable Letter, signed F. M. which your Committee conjecture was from one Francis Macnamara, a person concerned in the former rebellion, there being another Letter among his papers, with the name at length, in the same hand.

Your Committee have laid together these several circumstances, that it may appear Dennis Kelly was concerned in the treasonable correspondence, which is confirmed by Mr. Cawthorn's Letter from Paris, 19-30 of May, in which he says, "There is one captain Kelly, who frequents the Cocoa-Tree and Will's coffee-house, who is much in the confidence of Dillon and lord Lansdown, he was here some months ago, and is at present very active in England."

Your Committee find, that he was abroad for several months the latter end of the year, 1721, and that some of the Letters, sent to him by fictitious names from France, were directed to Will's coffee-house and the Cocoa-Tree.

The matters which they find him principally concerned in by the intercepted Letters, are, the remittance of the bill of Exchange sent over from the person called Repney, the receipt of which is acknowledged in several Letters to him, his being present at a consultation with the persons called Rep. Ho. and Den. and his being to carry over to France their final answer, together with a new cypher, list of directions, and other verbal instructions, from George Kelly, for Dillon, Glascock, and Talbot.

As George Kelly's correspondence was closely connected with that of the bishop of Rochester, Thomas Carte, and Dennis Kelly, and as he appears to have been privy to Plunket's, so your Committee see reason to believe, that he was not a stranger to that of Sample, who appears to be mentioned in a Letter from Gerrard to Kelly.

Your Committee find, that John Sample, being examined before the secretaries of state, and two of your Committee, owned, that Francis, son of the lord Sempill, commonly so called, *had been in England* that summer, and *returned to France* about three weeks before his examination, which was taken on the 4th of August last.

That during his stay in England, he (John Sample) was twice in company with him, and that two Letters found in his trunk were received by him from the said Francis Sempill before his coming to England.

In the first of these Letters, dated June 2d-13th, 1722. Fr. Sempill tells him, "That they are daily confirmed Mrs. Hews's distemper is but imaginary or counterfeit." By Mrs. Hews, he said, was meant the King, and by his Distemper the late disturbances.

Fr. Sempill then tells him, "That this has put a stop to Mr. Standwell's proceedings (Standwell he owned to mean the Pretender) but that this cannot disconcert Standwell's measures, nor even delay any thing above a few weeks.

"That perhaps he may soon produce himself to their cost, but it is not yet full time to give him (Sample) hopes of that kind. He adds, that they have not yet heard from Mr. Houlder," whom Sample explained to be the late duke of Ormonde.

Your Committee observe, that this agrees with the accounts given in the former parts of their Report, of the attempts that were to have been made in England about the beginning of May, which were prevented, though not intirely discontinued, by the discoveries made here, and by the encampment.

Sample being shewn the copies of several Letters taken at the post-office, directed to Mr. Sempill at Paris, and enclosing others, owned, as appears by his examination, the writing of them all, and gave explications of the names made use of in them. One of these Letters is to Standwell, whom he owned to mean the Pretender, and another is mentioned to be for Glascow's master, which is probably general Dillon. He likewise owned his having writ to the late duke of Ormonde, and to Kennedy his secretary; and while he was in custody of the messenger, he began to put down in writing a confession of his crimes, which was found in his room after his escape. But though some of his Letters appeared dictated to him by other persons, your Committee do not find he would discover who those persons were.

Your Committee will next proceed to lay before you the substance of the several papers and Examinations referred to them, relating to Mrs. Spelman, alias Yallop, in doing which, they find themselves indispensably obliged to mention a person of high rank and distinction, Thomas duke of Norfolk, among others concerned in the treasonable correspondence conveyed through the hands of the said Mrs. Spelman.

It appears to your Committee, that Mrs. Spelman being examined on the 19th of October, concerning several letters from abroad, directed to her by the name of Mr. or Mrs. Burton, has declared upon oath, that Mr. George Jernegan, (who, as your Committee are informed, is a Roman Catholic, and appears to have been long employed by the Pretender) "being in England about six months before her examination, did, upon his going for France, leave orders with the said Mrs. Spelman to send to the duke of Norfolk such letters as she should receive from him, Jernegan, directed to Mrs. Jones; and to Mr. Harvey of Combe, such as she should receive from him, directed to Mrs. Williams, in Newgate-street, Norwich; and to Mr. William Moor (who lives, or did live in Brownlow-street) such as she should receive from him, directed to Mr. Frampton: and that it was agreed between her and Jernegan, that

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he should direct to her by the name of Burton, when he did not do it by her own name.

"That she did accordingly send (as had been agreed between them) the letters that came to her with the directions above-mentioned, having first enclosed them under new covers, which she herself directed; that she sent them by common porters, who always brought her back an account of their having delivered them, or of the person's not being at home; that particularly one to the duke of Norfolk was brought back again by the porter, his grace not being in town, which letter she kept till he came to town, and then sent it to him. That she once received a message from the duke of Norfolk by Mr. Edward Jernegan, that his grace could not answer a letter she had conveyed to him from George Jernegan, because he, the duke of Norfolk, had not the key of the cypher, it being in his brother's hands; she likewise owned her receiving several cyphers and keys of cyphers from George Jernegan, which she burned between the time of her first and second examination."

Copies of these cyphers having been taken at the Post-Office, it appears that one of them was marked, A Key and Cypher, with Mr. Farmer and Jerry; and another, D. O. and J.; the first of which is probably a cypher between the Pretender and Jernegan, and the latter between him and the late duke of Ormond.

It farther appears to your Committee, that Edward Jernegan being examined in relation to the message from the duke of Norfolk abovementioned, has deposed upon oath, "That about a fortnight before the duke went to the Bath, being informed that his grace had inquired for some of their family, he, Jernegan, went to wait on him, and his grace told him, that he had received a letter from George Jernegan, who was then abroad, but that he could not answer it, because his grace's brother had the key of the cypher, in which it was written; and that he, Jernegan, delivered this message to Mrs. Spelman."

The first letter directed to Mrs. Jones, (the duke of Norfolk) of which a copy was taken, is dated, Cambray, 12th July, 1722, and is partly in cypher, but has been decyphered in the manner following:

"Sir;

"Various considerations, which obliged me to submit, deprived me till now the honour of writing to you; therefore I flatter myself, you incline to favour me with opinion, that my zeal and attention are above falling into any negligence, where your solicitude or private satisfaction is concerned. You have been in some manner a witness of the late turn in affairs, and undoubtedly know so much of them, that I fear it will prove superfluous to trouble you with the particulars which I have: after several meetings with some of our friends at Paris, ——— was of opinion, that the whole should be communicated to the Regent; which being agreed to, that Lord was deputed to wait on him: they met and parted in appearance the best friends in the world, notwithstanding immediately by the Regent's orders the secret was discovered to king George. How is it possible to arm one's self with sufficient prudence against such a conduct? These being our private concerns, I leave them to divert you with the public news: the overture of the congress seems now in the way to be deferred to the king of France majority, who since his removal to Versailles, is in a manner solely in the hands of the Regent. His coronation remains still fixed to the 15th of October; so, in all appearance, this year produces no disturbance to the present peace of Europe. The emperor grows daily more powerful in Italy, by the pope's falling into that interest: he has lately seized the fortress of Massa in Florence, and promises the investiture thereof, with that of Parma, to the prince of Baviere, upon his marriage with the princess Josephina. Spain will be under great difficulties to find means to support their claim to these provinces, especially at a time that France seems negligent of every thing which concerns them. There is no appearance likewise that the affairs in the North produce any thing material this season. The pacific temper of the king of Prussia secures every thing on that side, and has probably prevented the disturbance threatened in those parts. Thus at present are the affairs of Europe.

"I did not fail to repeat my usual solicitations in favour of your brother, and to add what in justice I thought you merited: this I did upon the first occasion, after my coming over; to which, from the king, I have this answer:"

"June the 15th.

"Nobody has a better opinion than I have of the great person you mention, nor does his character more justice: I shall be always desirous to do what is in my power to convince him of my regard for his brother, who now is in the country with me; but I fear it will not be time to move in the particular you mention of some years yet, which will be the case of all others who pretend to the same right as I do."

"Thus far was his. There is a pleasure to see with what generous virtue he repays all who consider his misfortunes.

"I presume to mention one thing more, being moved to it out of a pure consideration to the credit it will give to your name. Doctor Witham finds himself under the necessity of building the old house, being ready to fall, and next spring they begin, but upon so small a fund as will never finish the work, as it ought to be; the consequence of which must necessarily oblige them to beg the assistance of their friends. I should be sorry upon this occasion, that any other person should distinguish himself so, by a donation as to merit his arms to be placed in the front, where I could wish to see your own. I have not spoke one word of this to any person in the house, thinking it would look more generous in you, if disposed

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to take the credit in laying the first stone, to move and offer it yourself. As to other matters, if I can be serviceable in these parts, either in your particular, or to the interest of the party, you know me faithfully devoted to both. I have obtained leave to return by the end of summer, finding it inconvenient to my private situation to remain longer abroad: I hope then to present you with fresh proofs with what zeal and respect I have the honour to be, Sir, your, &c.

"Be pleased to address to me, a M. Hooker under cover à M. Pigault Banquier à Calais."

Your Committee observe from this Letter, that Jernegan supposes the duke of Norfolk already acquainted with a design, on which application had been made to the Regent, and with the causes of its miscarriage; that however, in order to shew his zeal and attention in any thing, where he thought the duke's solicitude concerned, he sends him an account of what had happened to their common friends at Paris, and of the secret's being communicated to king George by the Regent's order; and then laments the impossibility of arming themselves with sufficient prudence against such a conduct, which, supposing it to have been such as they represent, yet could not possibly have appeared blamable to any but the enemies of our present happy establishment.

He then shews from the situation of affairs in Europe, there is but little prospect of any rupture, which may be favourable or advantageous to their designs.

He afterwards acquaints the duke, that he had repeated his solicitations to the Pretender in favour of his grace's brother, and had also added what in justice he thought his grace himself merited; to which he received an answer from the Pretender (whom he stiles the king) acknowledging his great opinion of the duke, and the justice he does his character, and his readiness to convince his grace of his regard by any kindness he can shew his brother.

And the inference, which Jernegan makes from the regard expressed towards the duke in this letter of the Pretender's, is, that there is a pleasure to see with what generous virtue he (the Pretender) repays all those, who consider his misfortunes.

He concludes with telling the duke, that if he can be serviceable in those parts, either in his grace's own particular, or to the interest of the party, his grace knows him faithfully devoted to both.

On the 2-13 of August, Jernegan writes a second letter to the duke, as follows:

"Sir;

"The vicissitude in our affairs being a perpetual ebbing and flowing, it is extremely difficult to assure any thing with certainty: In my last of the 12th I mentioned how things had happened; and although the fact was true, yet the consequence did not answer what we apprehended: It was a politic necessity, which urged and demanded that conduct, and it appears now to have succeeded so well, that every hand is at work, as before, to draw things to a right conclusion; brief's we are flattered that the Regent is cordially in our interest, and disposes every thing to undertake the work, which according to some accounts will be put in execution within two months. Those, who are serious and make due reflection on these matters, know how far they may be useful to the cause, and with timely and prudent precautions may dispose their friends to act a lively part; whilst they themselves keep retired, till the success one way or the other determines what is necessary to be done."

"I have opportunity, by being in these parts, of picking up several good officers, and with a little trouble as many as would complete an intire regiment, into which any gentleman might enter himself and do his duty with honour. This is what I thought fit to propose on this occasion, and should be glad to know, if solely upon your own bottom this may be thought on. I shall take all necessary precaution, and shall first know certainly, what there is to depend upon. Your opinion on these matters, with the assistance of your advice, will lay a most sensible obligation on him, who entirely devotes himself, Sir, your, &c.

"Let the conveyer of these furnish you with my immediate Address."

Your Committee observe, that in this Letter, Jernegan does with an air of great satisfaction, try to lessen the apprehensions and discouragements, which he supposed his former account of the Regent's having betrayed the secret might have raised in his grace, and says that every hand is now at work as before to draw things to a right conclusion, without explaining what that former work or the right conclusion hoped for is; which particulars, it appears, he thought so well known to the duke, as not to need the least explanation.

Then after telling his grace, we are flattered the Regent is cordially in our interest, and is disposing every thing to undertake the work within two months time, he intimates, that from this hint one of his grace's seriousness and reflection might be useful to the cause, by disposing his friends (who may justly, be understood to be the Roman catholics) to act a lively part, while he himself lies retired, waiting till the event should determine what part it was proper for him to take.

He then makes the offer to his grace of raising an intire regiment of officers in Flanders, into which any gentleman might enter himself, and do his duty with honour; and desires to know, whether on his grace's own bottom such a thing might be thought of.

This treasonable offer, from an humble servant of his grace's, shews that Jernegan was at least persuaded it would not be ill received, which could only proceed from a thorough assurance of the duke's inclinations to the Pretender's cause, and of his intentions to support it with men and money, whenever a pre-

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pability of success should make it safe and proper for him to espouse it openly.

Your Committee farther observe, that this Letter was writ about the same time, that Plunket was so busy in pressing Dillon to solicit the Regent's assistance; and that the term for putting the design in execution, which is mentioned in Jernegan's letter to be within two months from the beginning of August, has an evident relation to the third period pitched upon by the conspirators, which, as has been observed before, was the breaking up of the camp. And it appears to your Committee, by several concurrent advices from France, Spain, and Italy, during the months of July and August, that the design, which had been suspended upon the first discovery of the Plot, was again resumed, and preparations made for the Pretender's leaving Italy about the beginning of September, for which purpose the ship Revolution (since taken) set sail for Italy the latter end of August having on board near two hundred men, and a great number of officers.

Mention is made in Jernegan's letters to Mrs. Spelman of a great number of letters written to and received from Mr. Harvey of Combe, by the name of Mrs. Williams; and in one of his letters to Mr. Harvey he says, "The Regent plays a game a-part, and confides in none but Britain, and has sacrificed us to make a firm friend of king George. The late disappointment in our affairs has given a surprising power to the court of France; they silence all other princes in regard to us; none now dare look that way, or undertake the least trifling service in our favour."

On the 20th of July, Mr. Harvey sent an answer to this letter, the original of which is stopped, and is sworn by Mrs. Spelman to be his hand writing; but it contains such an odd heap of low and virulent scandal, that the Committee do not think proper to trouble the House with any extract of it, but have annexed it intire to their Report.

Your Committee have already taken notice, that the treasonable correspondence, above set forth, was not confined to England only, but was carried on in Scotland under the same cant expressions of wine, trade, goods, &c. And it appears that the Pretender's agents were equally busy in disposing matters for an insurrection in that part of the kingdom, at the same periods of time as were fixed on in England.

They find that the government has received information upon oath from one Lodoick Anderson, "That on the 28th of January 1721, brigadier Mackintosh was seen by him (Anderson) at the house of sir John Mackenzie of Coul, and told Anderson that the Pretender designed to have on the crown of Scotland before Midsummer, and that he was to be assisted from France, Spain, and Muscovy; that general Gordon and captain Tullock were to land at the Loach Etch with arms for this purpose."

That Mackintosh was then in Britain agrees with Pancier's deposition.

Anderson farther deposed, "that on the 15th of February he met the lord George Murray at a place not far from the earl of Kintore's, who confirmed to him what Mackintosh had said, with several other particulars; that two days after he met Mr. James Keith, brother to the earl Marishal, who after having told him that there would be a descent in favour of the Pretender, named to him several persons (specified in his deposition) that were come over to get matters in a readiness."

This, your Committee observes, answers to the first period of time for beginning an insurrection, with the help of foreign forces during the time of the elections.

About the beginning of May, a letter was intercepted, directed to Mr. Peter Smyth at Boulogne, and inclosing another to De Martin; which letters, as your Committee are informed, are in the hand-writing of Mr. Cochran. Who is meant by De Martin does not appear.

In this letter Cochran says, "Our customers on this side the water, are as fond of taking our goods, as you are of sending them; but I am afraid if they are not sent soon the market will be forestalled, for our enemies begin to be upon their guard." He adds, that their friends in England are willing to send money to pay for them per advance, and that they in Scotland are not backwards, but hope, in a few days, to remit as much money as will be sufficient for their country. He then desires to know how soon they may expect their wines on this side the water, that they may put themselves in a sufficient posture for receiving them."

Your Committee likewise find, that Christopher Glascock, Dillon's agent, carried on correspondences to the same effect, with one who went by the name of James Johnston at Edinburgh, and that George Kelly corresponded with the same James Johnston, and owned to the Lords at his examination, his having sent the said Johnston a paper from Glascock, which he pretended related only to the Mississippi.

Letters were likewise intercepted going from Edinburgh, directed to Collins at Mr. Waters's, banker at Paris; which Collins appears, by Kelly's cypher, to be Colin Campbel of Glenderoule.

In one of these letters to Collins, mention is made of a person of great consequence and distinction, lately regained to the Pretender's party, who insisted on a sight of the contract of copartnery, which Collins is desired to send over by the first sure hand; and Collins in his answer, signed R. Broun, promises it shall be sent over.

Your Committee observe, that this particular agrees with Fairfax's deposition upon oath, that Layer told him, the people of England were backward, but that those of Scotland had already entered into an association.

In the same letter to Collins, it is said, that the person of consequence, who had insisted

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on a sight of the contract of copartnery, desired in order from Mr. Malcolm for raising one or two battalions, but was told those orders might come time enough by the hands of those who happened to come first to open the commerce; which shews of what nature that commerce was.

In the same letter application is made to Mr. Malcolm for a patent for knight baronet, both which circumstances confirm Malcolm to be the Pretender.

Your Committee observe, that these letters, and some others which appear to have been intercepted about the month of May, and are annexed to this Report, fall in with the second period of time fixed by the Conspirators in England.

And on the 18th of August, O. S. Mr. Stanhope writes word from Madrid that he had received intelligence, that the Scotch had engaged to bring 22,000 men into the field in ten days time, in case the late duke of Ormond would come over with arms to head them, and that they daily sent most pressing messages to Ormond on that subject; which shews that the design was reassumed a third time in Scotland, as it was in England.

Your Committee farther observe, that agreeably to what was promised in Mr. Cochran's letter of the 28th of April, Mr. William Erskine did, on the 3d of May, remit 2,000*l.* sterling to Mr. Gerrard (Dillon's secretary at Paris) and owned his so doing on his examination before the Lord Justice Clerk, but refused to discover who Gerrard was, or from whom and for whose use the said sum was remitted.

When he was taken into custody a letter was seized in his pocket, which, as your Committee is informed, is all in the late lord Marr's own hand-writing, dated Paris, February the 9th, 1722, in the following words:

Paris, February 9, 1722.

"I have, William, yours of the 7th, for which I am obliged to you, and take all you say, as I ought, from the good heart from whence I know it comes, though at the same time you put a greater value on your friend than he deserves: but be that as it will, I am fully persuaded, as you may be, that he will never fail an occasion for what you mean, nor neglect endeavouring to bring it about, where he sees it can be of advantage to his country; and his friends and countrymen may depend on it, when they see him engaged again, that the retrieving of it from the low condition it is now in, and otherways ever like to be, is the chief motive that induces him; and he hopes in that way he will not be without the assistance of all who wish the same thing; and the more, that he will take all the care he can not to expose them for serving that of others, if at the same time he be not pretty sure of its doing effectual service to their own, and putting it on a better foot than it has been these hundred years past. If he looked but to his own private interest, he could perhaps find a way which could conduce more to it; but he hopes, by his former actions, it appears, that he never put that in competition with what he thought was the interest of his country, though in which he owns he was once mistaken, as many others may have been; but as he never scrupled owning his fault, since he found it by experience to be one, so he has ever since endeavoured to make amends, and will as long as he lives.

"Things are in such a situation at present over all Europe, that there appears little of any opportunity of doing what is to be wished upon that account: but things of this kind are very uncertain, and an opportunity may come, or be brought about, when least expected; and you may believe it will not be neglected when it does; nor will any endeavours be wanting to bring it to that pass. Hush! though, must be the word, and friends must not take amiss their not being acquainted previously to the execution, in which it is to be hoped they will not fail.

"You see I make no scruple in writing freely to you, but you know the consequence of this coming into wrong hands, and those it is fit and of use to be told to, you know too: so I leave it to your own discretion, of which you have given me many proofs. I have been much out of use of writing to H. S. for some years past, and I have not yet got a return of one I wrote him last summer; but I shall write to him of what you mention in yours.

"As to M——y, I care not to say more about him, and were it not that I think it for the good of a certain person and cause, I should not even wish to have all the truth told of him, since his being abroad. I cannot answer for what handles may be given him for his justification; but let honest men, who wish right, tell the truth, where they know it, and that it is necessary, and shame the devil.

"I wish you a good journey and good luck with all my heart, and that we may soon have an opportunity to meet merrily, and be of use to our country. My compliments to our friends, and I hope we shall never have cause to be ashamed of other.

"I shall long impatiently to hear from you after your getting to London and Edinburgh; and pray do not fail writing after your coming to both places, and have seen people.

"Send me your address, and you may be sure of hearing from me, when it can be of any use. Pleasure it would be always to me; but that must yield sometimes to circumstances.

"My family salute you, and wish you all happiness, as I do, who am sincerely and affectionately yours, &c. Adieu.

"I wish you may have something agreeable to tell me of your brother and uncle, when you have seen them, and remember me kindly to your father-in-law. Sure we must all wish the same way to our country.

"What is become of our cousin Will, who I hear is still where you have been for some time?"

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Your Committee likewise find evident footsteps of this treasonable correspondence from Ireland; but having already shewn sufficiently the extensiveness of the Conspiracy, they forbear to tire the House with any further particulars.

Your Committee have now gone through the several matters that appeared to them from the Examinations of the persons or papers referred to them; and they are in hopes, that in reporting every circumstance that seemed material, they have strictly complied with the intentions of the House in appointing them.

If the frequent repetitions of the same matter have swelled the Report into too great a length, they are persuaded the House will excuse it, since it was in all the places where they have done it, necessary to explain the passages related, or else to shew the connection of the treasons, as well as the co-operation of the Conspirators in their wicked design of dethroning his most sacred Majesty, and overturning our present happy establishment in church and state.

Debate in the House of Commons respecting the Conspiracy.] March 8. The Commons proceeded to take into farther consideration the Report from the committee appointed to examine Christopher Layer and others; and Mr. William Pulteney moved, That this question might be put, viz. "That upon consideration of the Report and the several Papers and Examinations relating to the Conspiracy, it appears to this House, That a detestable and horrid Conspiracy has been formed and carried on by persons of figure and distinction, and their agents and instruments, in conjunction with traitors abroad, for invading these kingdoms with foreign forces, for raising insurrections and a rebellion at home, for seizing the Tower and city of London, for laying violent hands upon the persons of his most sacred Majesty and the prince of Wales; in order to subvert our present happy establishment in Church and State, by placing a Popish Pretender upon the throne."

This motion was seconded by sir John Rushout, and Mr. Thomas Broderick; but Mr. Shippen and Mr. Bromley endeavoured to extenuate some matters, which, in their opinion, were couched in too strong terms, as not being clearly proved. They said, They did not doubt of the Conspiracy, for they believed there had always been one carrying on against the present Settlement, ever since the Revolution: But from what had yet been laid before the House, it did not appear to them that there was such a particular concerted Plot as was mentioned in the question above-mentioned.

Sir *Joseph Jekyll* said thereupon, with a great deal of warmth, That he could not with patience, and with his usual moderation, hear the truth of this detestable and horrid Conspiracy called in question, after so many undeniable proofs. But, added he, as there are people who know nothing of the Plot, and yet believe it, so there are others that know the whole Plot and yet pretend not to believe it. He was answered by

Mr. *Jefferies*, who, in particular, excepted against these words in the question, viz. 'For 'laying violent hands upon the person of his 'most sacred Majesty and the prince of 'Wales;' because it appeared by the Report, that the conspirators only meant 'the seizing 'or assaulting the king's person,' &c. But he was replied to by

Mr. *Horatio Walpole*, who said he was amazed to hear such words come out of the mouth of a lawyer, and a member of that house; but since he had forgot his profession, and the place he was in so far, as to make so small a matter of seizing the king's person and the heir apparent, on whom all that is dear and valuable to Englishmen, both as men and Christians, entirely depends, he must take the liberty to tell him, that much less than seizing and assaulting the person of the king or prince, is by our laws looked upon as an overt-act of high-treason.

Then the question, as proposed by Mr. Pulteney, was carried without dividing.

After this sir Robert Raymond moved, "That it appears to this House, That John Plunket has been a principal agent and instrument in the said horrid and detestable Conspiracy, and has carried on several treasonable correspondences to procure a foreign force to invade these kingdoms, to raise insurrections and a rebellion at home, and was engaged with others in the villanous and execrable design of laying violent hands upon his majesty's most sacred person." This question being likewise carried without a division; sir Robert Raymond moved again, "That leave be given to bring in a bill, to inflict certain pains and penalties on John Plunket." He was seconded by Mr. Onslow, but though the said motion was warmly opposed, yet after some debate it was carried by a majority of 289 against 130, that the said bill be brought in; and then the House adjourned till the 11th.

March 11. The House resumed the adjourned consideration of the Report from the Secret Committee, and sir Philip Yorke (Solicitor General) opened the debate in a speech, wherein he particularly enlarged on the share Mr. George Kelly alias Johnson, had in the traitorous and detestable Conspiracy, and then proposed this question, viz. "That upon consideration of the Report from the Committee, appointed to examine Christopher Layer, and others, and the several Papers and Examinations relating to the Conspiracy, it appears to this House, That George Kelly alias Johnson has been a principal agent and instrument in the said horrid and detestable Conspiracy, and has carried on several treasonable correspondences to raise insurrections and a rebellion at home, and to procure a foreign force to invade these kingdoms from abroad.

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This motion being seconded by Mr. Sandys, was carried without any division.

Then sir Philip Yorke moved, "That a Bill be brought in to inflict certain Pains and Penalties upon George Kelly alias Johnson, which was seconded by Mr. R. Walpole. Hereupon Mr. Trenchard said, That he thought the properest way to proceed against this criminal, was in the old parliamentary method, by bill of attainder, there being sufficient proof to support such a bill: But this motion was not seconded. On the other hand, Mr. Bromley, Mr. Shippen and Mr. Lutwyche opposed sir Philip Yorke's motion, but were answered by sir Joseph Jekyll, and Mr. Talbot, member for Durham; and the question being put, it was carried in the affirmative by 280 against 111.

Debate concerning the Bishop of Rochester.] Then Mr. *Yonge* stood up, and took notice, how deeply Dr. Francis Atterbury, bishop of Rochester, had been concerned in this detestable Conspiracy; aggravating his crime from his holy function and high station in the church of England, a church ever conspicuous for its loyalty; from the solemn oaths he had, on so many occasions, taken to the government, and by which he had abjured the Pretender; when at the same time he was traiterously conspiring to bring him in, upon the ruin of his country and of all that was dear and valuable to us, as freemen and Christians: Concluding, that as he was a disgrace to his order, and dishonour to the church, so he might apply to him on this occasion, these words of the 1st of Acts, verse 20. 'Let his habitation 'be desolate, and let no man dwell therein: 'And his bishoprick let another take.' And therefore he moved, That it appears to this House, "That Francis lord bishop of Rochester was principally concerned in forming, directing, and carrying on the said wicked and detestable Conspiracy, for invading these kingdoms with a foreign force, and for raising insurrections and a rebellion at home, in order to subvert our present happy establishment in church and state, by placing a Popish Pretender upon the throne." Mr. Yonge was seconded by sir John Cope; but they were answered by

Sir *William Wyndham*, who said, He saw no cause to proceed against the Bishop in so severe a manner, there being little or indeed no evidence besides conjectures and hearsays. He was backed by Mr. Bromley, Mr. Shippen, Mr. Hutcheson, Mr. Hungerford, Col. Strangeways, Mr. Lutwyche, and Dr. Friend. They were replied to by sir Joseph Jekyll, Mr. R. Walpole, Mr. Pelham, Mr. Talbot, Mr. John Smith, and Mr. William Pulteney; and a motion being made, and the question being put, that the House do now adjourn, it passed in the negative by 285 voices against 152; after which, the question being put upon Mr. Yonge's motion, the same was carried without dividing.

Then a motion was made, and the question put, That a bill be brought in, 'To inflict certain pains and penalties on Francis lord 'bishop of Rochester,' which, after some debate, was also carried without any division.

Debate concerning Dr. Friend.] March 13. Mr. Robert Walpole acquainted the House, That he had received his Majesty's commands to acquaint the House, that his Majesty having had just reason to apprehend Dr. John Friend, a member of this House, for high treason, had caused him to be apprehended, and desired the consent of the House to his being committed and detained for high treason, according to an act of this present session, intitled an Act, 'For impowering his Majesty to 'secure and detain such persons as his Ma-'jesty shall suspect are conspiring against his 'person and government.' Upon which he moved, That an humble Address be presented to his Majesty, that he would be pleased to give order for committing and detaining Dr. John Friend, pursuant to the act of this session of parliament for that purpose.

This motion was seconded and backed by several members: but Mr. Shippen and Mr. Bromley opposed it, saying, They could not see any reason for that House giving leave for detaining any member, unless the species of treason was declared, and that the information was upon oath.

Sir Joseph Jekyll and Mr. Robert Walpole, replied, That by the late act for suspending the Habeas Corpus Act, the King was impowered to take up any person he had reason to suspect: that therefore the government was not obliged to say, whether the information was upon oath or not: But

Mr. *Walpole* added, He did not doubt but Dr. Friend was charged upon oath; and privately declared to several members, that they had positive proof of his being guilty of the blackest and basest treason.

Mr. *Shippen* then suggesting, That Dr. Friend's having spoke so warmly two days before, in Mr. Kelly's and the bishop of Rochester's behalf, was, in his opinion, the reason of his being taken up the next day himself, and that at that rate, there was an end of the liberty of speech which every member of that House had a right to:

Mr. *R. Walpole*, with great deal of warmth, replied, He wondered any gentleman could think any ministry capable of so base a thing, as to take up any gentleman for what he said in that House, without any other cause, when they knew themselves to be accountable as well as others for their actions: adding, That they who made such insinuations might more easily be proved to be Jacobites, than they could make out such an allegation against the ministry.

Mr. *Pulteney* spoke on the same side, and in relation to Dr. Friend's speaking in Kelly's behalf, observed, that it was usual in all conspiracies, for one traitor to endeavour to excuse another.

Mr. *Shippen* animadverted severely upon

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this reflection, saying, It was not to be endured, to have a member of that House called a traitor, before he was convicted as such:

But Mr. Pulteney having explained himself, that matter ended; and then the motion for an address was carried without dividing.

March 14. The Commons having resumed the consideration of the Report from the Committee appointed to examine Christopher Layer and others; it was resolved, "That an humble Address be presented to his Majesty, expressing the indignation of this House against the horrid and detestable Conspiracy which had been carried on against his Majesty's sacred person, and to congratulate his Majesty on the happy discovery of it, and to assure his Majesty, that this House would proceed, with the utmost vigour, to bring those to justice who had been concerned in these unnatural designs against their country, and would effectually support his Majesty's government, and would maintain, with all that is dear and valuable to them, the present happy establishment."

A Committee was appointed to draw up this Address, of which Mr. Thomas Broderick being chosen chairman, he reported the said Address to the House on the 18th, which was then agreed to.

A Bill, To inflict Pains and Penalties on Plunket and Kelly, brought in.] March 19. Sir Robert Raymond presented to the House a Bill, 'For inflicting certain pains and penalties 'on John Plunket,' which was read the first time, and ordered to be read a second time, on the 28th; it was also ordered, 1. That a copy of the said Bill, and of the said Order, be forewith sent to the said John Plunket, and delivered to him by the serjeant at arms. 2. That the Attorney-General and the Solicitor-General do take care that the evidence against the said John Plunket be ready to be produced to this House upon Thursday the 28th. 3. That the said John Plunket be allowed pen, ink, and paper.

Then sir Philip Yorke presented also a Bill, 'For inflicting certain Pains and Penalties on 'George Kelly, alias Johnson,' which was read the first time, and ordered to be read a second on the 1st of April, and the like three orders in relation to this Bill, were made as those of the Bill for punishing John Plunket.

The Commons' Address of Congratulation on the Discovery of the Plot.] March 20. The Commons presented their congratulatory Address to his Majesty as follows:

"Most gracious Sovereign,

"Your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, do humbly beg leave to approach your royal person with hearts full of concern and horror, for the detestable conspiracy formed against your person and government.

"We lament with indignation, that any of our fellow-subjects who enjoy, in common with us, the many and signal blessings of your Majesty's mild and just administration, should so far give themselves up to delusion, as to conspire against public liberty, against their own security, and against the only bulwark of all that is dear and valuable, your Majesty's person and the Protestant succession in your royal family.

"We see with astonishment, that persons of figure and distinction, who ought to have been the best judges, and most zealous defenders of your beneficent and mild reign, by which alone their fortunes and dignities can be made secure, should be so far infatuated, as to head and abett a monstrous conspiracy to destroy your Majesty, their country, and themselves; that honour, faith, and the most solemn ties of religion, should be violated in favour of a Popish fugitive, known only for his blind bigotry and attachment to Rome.

"As we have with sensible sorrow and just resentment, discovered these vile practices, so will we take care that the wicked authors may not, by any contrivance or practice whatsoever, escape punishment; but that all conspirators may, by the justice of Parliament, be for ever hereafter deterred from engaging in such traiterous attempts.

"We congratulate your Majesty, and all your good subjects, that you have escaped the black and unnatural designs of the worst of men; and that Almighty God has, by this happy discovery, given you and your royal family a fresh instance of his singular care and protection.

"For us, your faithful Commons, who feel with joy and gratitude the inestimable blessings of your reign; who are sensible of the glorious advantages of liberty and of the Protestant religion; and have in abhorrence the miseries and slavery inseparable from Popery and a Popish government; we will stand by your Majesty, and effectually support your government, at the hazard and expence of our lives and fortunes.

"We will maintain and defend your Majesty's rightful and lawful title to the crown of these realms, and endeavour to transmit to the latest posterity this happy, free, and ancient constitution."

The King's Answer.] To the Address the King returned the following Answer:

"Gentlemen;

"I return you my thanks for this dutiful and loyal Address: It is agreeable to the many instances of zeal and affection to me, which you have, upon every occasion, expressed: the just resentment and indignation you have shewn against this Conspiracy, will, I doubt not, give intire satisfaction to all that sincerely wish well to our present establishment; encourage the friends to my government; and deter the enemies of our common peace from renewing these rash and desperate attempts."

Motion for Pancier and Skeene to attend, on account of Lord Strafford and Lord Kinnoul being mentioned in Pancier's Deposition to be concerned in the Conspiracy.] March 9. Com-

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plaint being made to the House of Lords, "That in a paragraph of the printed Report from the Committee appointed by order of the House of Commons to examine Christopher Layer and others, and to whom several Papers and Examinations laid before the House, relating to the Conspiracy, mentioned in his Majesty's speech at the opening the session to be carrying on against his person and government, were referred, the lord Strafford and lord Kinnoul are mentioned in the Deposition of Andrew Pancier, that he had been told by one Skeene (now in custody) that the said Lords knew of an invasion intended by forces from abroad, and were concerned in the management of the Conspiracy here."

Protest on their Attendance being refused.] And thereupon a motion being made, "That the said Andrew Pancier and —— Skeene be immediately sent for to attend at the bar of this House;" after debate the question was put, that Andrew Pancier and —— Skeene be immediately sent for to attend at the bar of this House? It was resolved in the negative. Content 29. Not-content 64.

"Dissentient'

"1. Because the earl of Kinnoul and the earl of Strafford having severally complained to the House, that they find themselves reflected on in a printed Deposition of one Andrew Pancier, wherein he deposeth, That one Skeene (now in custody) had acquainted him, among other things, that the said earls knew of the late Conspiracy, and were concerned in the management of it here; and the said earls alledging, that they did not see by the Report, in which that deposition is found, that the said Skeene, though in the hands of the government, had been so much as questioned touching the said hearsay (which observation we find to be true) we think it highly reasonable to have complied with the motion and request of the said lords, that the said Pancier and Skeene might be examined at the bar of this House in relation to that matter only; the like request, for the better clearing the reputation of any noble lord, when he hath thought it unjustly aspersed, having never been denied, that we know of: but, on the contrary, it was, not long since, granted in the case of the earl of Sunderland, though the examination which he thought reflected on his honour, was not come into print when he made his complaint; which, according to our judgment, was not so strong a case, for granting the motion, as the present is.

"2. Because the said deposition, as far as it is printed, containing nothing but what one deponent heard another say (except as it contains a charge on Skeene for saying it) we think it was very natural and proper, as well for the advancement of justice, as for the vindication of the noble lords requesting it, to trace the said hearsay, if possible, to the fountain-head, or at least so far as to know, from the person charged with relating it, whether he would deny his having related it; or if not, whether he would confess the falsity of what he had so related, or undertake to make it good by his own testimony, or otherwise.

"3. We think there could be no inconvenience in examining, as moved, to find whether there was any, and what foundation for this hearsay; it not being an anticipation of the course of justice (as examining a part of the evidence against any man, or a part of an accusation, would be) since the swearing what one man said of a third person is in no sort evidence, either in law or reason, to support a conviction, or even to ground an accusation upon, in any form whatsoever.

"4. Since a mere hearsay, being no evidence in the least degree, cannot be made a foundation for any legal proceeding, it is impossible for any noble lord, whose honour may be affected by it, to hope to clear himself on any trial, or other like opportunity that can be given him to make his defence; and therefore, since there is no other method, that we can think of, so proper or effectual, in our opinions, as an examination of the nature of that moved for, we think it ought to have been ordered; and that every noble lord may possibly, in time, be hurt by the consequence of this precedent.

"5. We cannot think that the examining, as moved for, into this hearsay only, could have made any difference with the other House, since it is inconceivable by us, that any number of gentlemen, who may have by accident (for we hope it is no otherwise) in setting forth the deposition of Pancier as a charge against Skeene, happened to asperse the reputation of some of the peers of the realm, could resent either that these lords should desire, or the House permit them to clear themselves as soon and as effectually as possible of that hearsay.——*(Signed,)* Strafford, Aylesford, Poulett, Bristol, Bathurst, Scarsdale, Willoughby de Broke, Litchfield, Fran. Cestriens', Guilford, Anglesea, Foley, Exeter, Cowper, Berkeley of Stratton, Compton, Osborne, Arundell, Craven, Bruce, Hay, Uxbridge, Weston, Bingley."

The Papers relating to the Plot laid before the Lords.] March 15. Mr. Methuen, from the Commons, acquainted the House, "That his Majesty had been pleased to give leave, That the Letters and Papers relating to the Conspiracy, which had been laid before that House, pursuant to their Address to the King for that purpose, might be communicated to their lordships."

In consequence hereof a Conference was appointed, and Mr. Pultney, Chairman of the Committee appointed to be managers for the Commons, acquainted their lordships,

"That the Commons, upon consideration of a Report from a Committee of their own members, appointed to examine Christopher Layer and others, as also several original Papers and Letters (upon their humble application to his Majesty) laid before them, being entirely satisfied, That a detestable and horrid Conspiracy

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has been formed and carried on by persons of figure and distinction, for deposing his Majesty, and placing a Popish Pretender upon the throne, and being fully convinced, that several treasonable correspondences have been entered into by the said traitors for soliciting a foreign force to invade these kingdoms; and that endeavours have at the same time been used by them for raising insurrections, and inciting a rebellion at home; and the Commons finding with horror and astonishment, that some of the conspirators had arrived to such a height of wickedness, as to engage in a villainous and execrable design of laying violent hands on his Majesty's most sacred person, were thoroughly sensible, that nothing could so effectually contribute to the safety of his Majesty, and the preservation of our present happy establishment in Church and State, as a perfect unanimity between the two Houses of Parliament, and had therefore desired this Conference to communicate the said Report to their lordships, together with the original Papers and Examinations referred to therein.

"That as it might be necessary to the Commons in their farther proceedings, to have recourse, from time to time, to the said original Papers and Examinations, they did desire, that upon application to be made to their lordships, the same might be returned to them. Concluding, that the Commons did not doubt but that the same zeal which actuated them, would likewise animate their lordships in the vigorous prosecution of these wicked conspirators, till they were brought to exemplary justice, and until the united resentments of both Houses of Parliament should convince the whole world, of the danger there is for the most subtile traitors to attempt the subversion of this government, or endeavour to deprive a free and happy people of the blessing of his Majesty's reign, and the succession of his royal family, upon which their religion, laws and liberties, entirely depend."

Mr. Pulteney also left with the Lords a trunk locked up, containing the original Papers, Letters and Examinations: and the managers being returned, lord Townshend reported the said conference, whereupon their lordships ordered, 1. "That the said Report and original Papers be referred to a Committee of Nine, to be chosen by ballot next day; and that the said trunk and key be delivered to the Lord Chancellor, till the same be disposed of by order of the House. 2. That the managers of the Conference be a committee to prepare what might be fit to be offered to the Commons by way of Answer to so much of what was delivered to them at the said Conference relating to the said original Papers."

The Lords chuse a Committee of Nine to inquire into the Plot.] Accordingly, on the 16th, the Lords proceeded by ballot, to the choice of nine peers to be a Committee to inquire into the said Conspiracy, and upon a scrutiny, the following List was carried by a great majority, viz. the dukes of Dorset and Montrose; the earls of Scarborough, Lincoln, and Ilay; the viscounts Lonsdale and Torrington; the bishops of Lincoln and Salisbury.

The Lords Scarsdale, Strafford, Cowper, Craven, Gower, Bathurst, and Bingley, complain of their Names being mentioned in the Commons' Report relating to the Plot.] March 21. Complaint was made to the House by the earls of Scarsdale, Strafford, Cowper; the lords Craven, Gower, Bathurst, and Bingley, That in the Examinations of Christopher Layer, in the printed Appendixes referred to in the Report from the Committee appointed by the House of Commons to examine Christopher Layer and others, it is set forth, That one John Plunkett told him the said Layer, that the said lords were of a club or meeting called, in some of the said Plunkett's letters, Burford's Club. The said Lords severally declared the same to be false and groundless; and

Earl *Cowper* in particular complained, That little regard had been shewn to divers members of that illustrious and noble assembly, whose honour and reputation had been attacked, by being mentioned in the Report from the Secret Committee of the House of Commons, being represented, upon mere hearsay, as privy to treasonable designs against the government. That for his own part, as the late queen Anne, of glorious and immortal memory, had thought fit to raise him to the dignity of a peer, how unworthy soever he was of that honour, he thought it a duty incumbent upon him, to defend the rights and privileges of the peerage of England, which they held by the fundamental laws of the land, and were confirmed to them by Magna Charta. That after having, on so many occasions, and in the most difficult times, given undoubted proofs of his hearty zeal and affection for the Protestant succession, and of his attachment to his Majesty's person and government, he had just reason to be offended, to see his name bandied about in a List * of a chimerical

* In order to clear themselves from the false aspersions cast upon them in Layer's Examination, the earl Cowper and Mr. Archibald Hutchison published the following Declarations.

The DECLARATION of William Earl Cowper, shewing, that the Matters contained in some Hear-says, relating to him, in the Examinations of Christopher Layer, are false and groundless.

"Though hear-say does not affect any one, either in law or reason, yet it deserves contradiction, where the truth will bear it, especially if printed: And therefore finding that Layer in his examinations of the 19th of January and 4th of February last, hath said, that one Plunkett told him, (as explaining what was meant by Burford's Club) that lord Orrery was chairman; and that lord Cowper, and seven other lords, and six commoners named, were of that Club; and that this Club met monthly, as he, Layer,

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Club of disaffected persons, printed in the said Report, on the bare hear-say of an infamous person, notoriously guilty of prevarication; and who, in the opinion even of the secret Committee, in order to magnify the number of the Pretender's friends, did, in several lists, insert the names of persons as well affected to the Pretender's service, without having the least authority for so doing; which alone was sufficient to give an air of fiction to the whole conspiracy. Hereupon his lordship moved, "That John Plunkett, now in custody, being the person who, Layer says, in one or more of his Examinations, told him, that several lords of Parliament, therein named, were of a club or meeting called, in some of the said John Plunkett's letters, Burford's Club, be forthwith brought to the bar of this House, to be examined touching the said matter only?"

This motion being seconded,

Lord Townshend said, He was extremely sorry to find his lordship should lay so much stress, and so highly resent his being mentioned in the Report; that his lordship's name with several others, being part of an Examination, it was absolutely necessary it should be mentioned: that at the same time, the Committee had declared, they were entirely satisfied of his lordship's innocence, so that his lordship's reputation could not have suffered upon that account. But, that on the other hand, he was much surprized to find that a noble peer, whose abilities and merit had justly so great weight in that illustrious assembly, should, upon a trivial circumstance, ridicule as a fiction, a horrid and execrable conspiracy, supported by so many concurring proofs as amounted to a demonstration; and from a false, trifling particular, infer, that no part of it was true.

Lord *Bathurst* answered the lord Townshend,

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thought, at one another's houses: And not doubting but my averment will be believed before any bear-say, especially from one in Layer's sad circumstances; I do hereby declare and affirm upon my honour, That I do not know, or believe, and never heard before the said Examinations were talked of, that there was any such club or meeting: That as to three of the commoners named, viz. sir H. Goring, Mr. Dawkins, and Mr. Shippen, I do not know them so much as by sight: and as for two of the remaining three commoners, viz. sir Constantine Phipps and general Webb, I have not been in their, or either of their companies at any time within sixteen years last past: And as to the lords, I never met them, or any of them, but either accidentally on visits of ceremony, or in the time of Parliament, and that with other lords on the business of parliament only: And for one of the said commoners, whom I am acquainted with, viz. Mr. Hutcheson, I never once was at any meeting with him together with any of the said lords or commoners. And whereas Layer in his examination of the 19th of September last, said, That lord Orrery told him That lord Cowper told him (lord Orrery) that 200 tories and 90 grumbletonians, would try their last effort in the House of Commons;—and in another examination of the 21st of the same month, Layer repeats the same, except that he uses the words, angry whigs, instead of the word grumbletonians: I do hereby declare, and affirm upon my honour, That I never said so to lord Orrery, nor to that effect, nor any thing like it: And I do therefore verily believe that lord Orrery never said that I did." COWPER.

A DECLARATION signed by Archibald Hutcheson, esq. and given to several of his acquaintance, soon after he had perused the Examination of Christopher Layer in the Appendix to the Report of the Secret Committee, in which Layer has made mention of his name, as one of Burford's Club; which the said Layer, in his Examinations saith, he was told by one Plunkett. March 4, 1722.

"Having read part of the Examination of Layer of the 19th of January and 4th of February last, in the Appendix to the Report of the Secret Committee, in which Layer is mentioned to have said, That one Plunkett told him, as explaining what was meant by Burford's Club, that lord Orrery was chairman, and that this Club met monthly, at one another's houses, as Layer thought; and that Plunkett told him, That there were eight other lords and six commoners (whose names he mentions; and mine as one of them) of that Club: I do hereby declare, upon the honour of a gentleman, That I do not know, or believe, that there was a club or meeting of any of the lords or gentlemen mentioned in the said examination, nor have I ever heard of any meeting where lord Orrery was present, except that which was carried on in the two last sessions of Parliament, when lord Orrery, and several lords and gentlemen (not mentioned in Layer's examination) met weekly, and I believe with great innocence, dined at one another's houses; and I do further affirm, That even on accidental visits, I have seldom met together any two of the lords and commoners so mentioned in Layer's examination: That there are two of these commoners (sir Henry Goring and Mr. Dawkins) whose faces I do not know; and two others (general Webb and sir Constantine Phipps) between whom and me there hath not been, for fifteen years last passed, the intercourse even of ceremonial visits; and between me and the fifth commoner (Mr. Shippen) but very seldom: That there are three of those lords (Scarsdale, Craven, Gower) with whom I have very little acquaintance; a fourth (lord Bingley) whom I have never met any where but in visits to others; or in public places; and a fifth (the bishop of Rochester) in whose company I have been but twice in three years time. I mention this to shew the notorious falsehood of Layer's hear-say evidence of Burford's Club, an appellation I never heard of untill some time after the appointment of the Secret Committee.

ARCH. HUTCHESON."

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and was supported by the lord Craven, and the earl of Kinoul, who insinuated as if the main drift of the Plot was a base contrivance of their enemies, to blast their honour and reputation, and to render the best patriots useless to their country, by making them obnoxious. The earl of Strafford having expressed his just resentment with more warmth than the rest,

Lord *Cadogan* said thereupon, That for his own part, though his name was often mentioned in the report, he never troubled himself about it; but, in his opinion, there was reason to believe some people were sore, when they winched so much at the least touch.

The Earl of *Strafford* repelled this reflection, with a great deal of vivacity, and said, He was as whole and sound as any in that illustrious assembly; but as he had the honour to have more ancient noble blood running in his veins, than some others, so, he hoped, he might be allowed to express a more than ordinary resentment against insults offered to the Peerage.

Protest on Plunkett's Attendance being refused.] Some members apprehending the issue of this warm debate, called for the question, which being put upon the earl Cowper's motion, was carried in the negative by 81 voices against 26.

"Dissentient'

"And for reasons we refer to those entered, on a protestation made on the 9th day of this instant March, to a Resolution of the like nature: *(Signed,)* Scarsdale, Aylesford, Bathurst, Montjoy, Westm. Compton, Exeter, Bingley, Uxbridge, Gower, Hay, Cowper, Foley, Craven, Litchfield, Dartmouth, Strafford, Poulett, Guilford."

Layer farther examined.] Then the duke of Dorset, chairman of the Secret Committee, moved, That the said committee might have leave to examine Mr. Layer, as to some material things, relating to the conspiracy, absolutely necessary for them to be satisfied in; but though this motion was opposed by the earl Cowper, and some others, yet it was carried without a division; and, the next day the lords committees went to the Tower to examine Mr. Layer.

The Bill, 'To inflict Pains and Penalties on 'the Bishop of Rochester,' brought in.] March 22. Mr. Yonge presented to the House of Commons, a Bill 'For inflicting certain pains and penalties upon Dr. Francis Atterbury, lord bishop of Rochester;' which was read the first time, and ordered to be read a second on the 4th of April. It was also ordered, 1. That a copy of the said Bill and of the said Order be forthwith sent to the said lord bishop of Rochester, and delivered to him by the Serjeant at Arms attending this House. 2. That Mr. Attorney-General and Mr. Solicitor-General do take care that the evidence against the said Francis lord bishop of Rochester, be ready to be produced to this House, upon the 4th of April. 3. That the said Francis lord bishop of Rochester be allowed pen, ink, and paper."

March 23. A Petition of George Kelly, clerk, prisoner in the Tower of London, was presented to the House and read, praying that he might be heard by himself and counsel against the Bill, 'For inflicting certain pains 'and penalties upon him,' &c. before the same should pass into a law; and that this House would assign sir Constantine Phipps and Serjeant Darnell for his counsel, and Mr. Hugh Watson for his Solicitor: and that they might have free access to him, to receive his instructions in private; and that he might have the summons of this House, for such witnesses as he should think necessary.—The prayer of this Petition, the last of all excepted, was granted; and an order thereupon made accordingly.

March 25. Mr. Speaker acquainted the House, That he had that morning received a Letter from the lord bishop of Rochester, that his lordship having received a copy of a Bill, 'For inflicting certain pains and penalties upon 'him,' for supposed crimes of which he was innocent, he hoped he should be allowed to have sir Constantine Phipps, and William Wynne, esq. for his counsel, and Mr. Joseph Taylor, and Mr. William Morrice for his Solicitors to assist him, in order to the making his defence; and that they might have free access to him to receive his instructions, and give him their advice in private, which was granted.

March 27. A Petition of George Kelly, clerk, prisoner in the Tower of London, was presented to the House, and read, praying, that the second reading of the bill, 'For inflicting 'certain pains and penalties upon him,' might be put off till the 8th of April; and that the Depositions upon oath, of Mr. Michael Birmingham, surgeon, and Messieurs Bask and Borgonio, merchants, who resided at Paris, to be taken before a public notary, or before some or one of the British residents there, and also the deposition of Mr. Gordon, banker in Boulogne in France, to be taken upon oath before the chief magistrate of the said town, or a public notary there, might be admitted to be read at the bar of this House, as evidence for the petitioner.

Mr. Hungerford, sir William Wyndham, Mr. Palmer, and Mr. Shippen spoke in behalf of this Petition; but being answered by Mr. Robert Walpole, sir Joseph Jekyll, and sir William Thompson, it was carried without dividing, that the said Petition be rejected.

March 28. The Bill, 'For inflicting certain 'pains and Penalties upon John Plunkett,' was, according to order, read a second time; and though Mr. Plunkett did not think fit to make any defence, yet the Commons proceeded, and the counsel for the Bill produced extracts of several original letters from abroad, giving intelligence of the Conspiracy. And the counsel having summed up the evidence, and being withdrawn, Mr. Speaker opened the Bill, and the question being put, That the said Bill be

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committed to a Committee of the whole House, the same was carried without dividing.

Debate concerning Plunkett's Punishment.] March 29. The Commons went into a grand Committee upon the Bill, 'For inflicting certain Pains and Penalties upon John Plunkett.' Mr. Onslow being placed in the chair, several letters and other original papers, proved by several witnesses to be Mr. Plunkett's handwriting, were read, as was also a letter from the Pretender, and several other letters from general Dillon to Plunkett; all which clearly evincing, that he had a principal share in the contriving and carrying on of the Conspiracy, Mr. Miller moved, that the pains and penalties, for which a blank was left in the bill, might extend to death, urging, That in his opinion, there was sufficient proof to convict him of high-treason even in Westminster Hall. He was seconded by the lord Middleton, sir John Rushout, Mr. Clayton, Mr. Sondes, Mr. Walter Chetwyn, Mr. John Chetwyn, sir Wilfred Lawson, and many others; but they were opposed by Mr. Chancellor of the Exchequer, Mr. Horace Walpole, Mr. Thomas Broderick, and sir Joseph Jekyll, who among other reasons alledged, That the filling up the blank with 'Death,' would be a kind of deceit put on the prisoner, because a bill for pains and penalties was generally understood not to reach life, and that it was to be supposed the prisoner took it in that sense, otherwise he would have made some defence.

The members who were for death, seeing the courtiers of a contrary opinion, would not divide the House; and then Mr. Attorney General moved, "That the pains and penalties might be imprisonment in some part of Great Britain, during the pleasure of his Majesty, his heirs and successors, forfeiture of his estate, and that his attempting to make, or others favouring, his escape, be made felony." The question being put thereupon was carried in the Affirmative by 280 voices against 91.

Petition of the Bishop of Rochester for Directions how to proceed about the Bill against him in the House of Commons.] March 29. A Petition of Francis lord bishop of Rochester was, by the lord Bathurst, presented to the Lords, setting forth, "That, by order of the House of Commons, he has received a copy of a Bill for inflicting certain pains and penalties upon him for supposed crimes, of which he is innocent: that, by another order of the said House (upon the Petitioner's letter to the Speaker) Council and solicitors are allowed to come to him, to assist him in the making his defence; but the Petitioner finding, by a standing order of this most honourable House, of the 20th of January, 1673, that no lord may appear by council before the House of Commons, to answer any accusation there, he is under great difficulty; and that he may not do any thing which may give offence to their lordships, and be derogatory to the rights of peerage, in which, as a member of this House he has the honour to partake, the petitioner humbly prays their lordships' directions for his conduct in this behalf."

Debate thereon.] Then the standing order being read, a motion was made, and the question was put, That the bishop of Rochester being a Lord of Parliament, ought not to answer or make his defence by council or otherwise in the House of Commons, to any bill or accusation there depending.

This motion was strongly supported by lord Lechmere, the earls Cowper and Stratford, the lords Trevor and Bathurst, who urged; That the House of Peers being the highest court of judicature, no other court ought to intrench upon their privileges. But the lord Macclesfield, the lords Carteret and Townshend, the dukes of Wharton and Argyle, the earls of Peterborough and Coningsby, and

The Lord *Harcourt* alledged, That, in this affair, the Commons did not act as a court of judicature, but as a part of the legislature; of which they were as much a part, and to which they had as much a right as the Lords themselves.

The Duke of *Wharton* added, That the matter before them needed no great debate: for the Bishop having already applied to the House of Commons, in a letter to their speaker for council to be assigned him, it was preposterous now for him to pray the Lords, not to give him leave to be heard before the Commons, which was the drift of his Petition.

Protest on that Occasion.] Hereupon the question being put upon the motion, it was resolved in the negative, by 78 voices against 32.

"Dissentient"

1. "Because we conceive, the permitting the lord bishop of Rochester to make his defence in the House of Commons would be directly contrary to the words and meaning of the standing order of the House, bearing date the 20th of January, 1673, which expressly and clearly orders, That for the future no lord (which extends to lords spiritual as well as temporal) shall go down to the House of Commons, or send his answer in writing, or appear by council to answer any accusation there; and it is observable that this order is worded absolutely, and not qualified by the words 'without leave of the House,' as the following standing order of the 25th of November 1696, which prohibits Lords from going into the House of Commons while the House is sitting, is qualified; from which different penning, as well as from the preamble of the said first mentioned order (which shews the mischief designed to be prevented was, the giving leave, in case of lords desiring it, to appear or answer accusations in the House of Commons) we infer that the said order of January, 1673, was meant as a rule for all future times, that if leave should be asked by a lord of Parliament to answer or make a defence to an accusation (in any form, as we conceive) in the House of Commons, it

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ought to be denied, as deeply intrenching on the privileges of this House.

2. "The said standing order, in affirmance of which the question was moved, ought to be of the greater weight, in our opinion, it having been founded on the consideration and report of a Committee (to whom it was particularly deferred to consider the practice of the Lords Hearing leave to answer accusations in the House of Commons) on the perusal of precedents in that Committee, and upon serious consideration and perusal of the same precedents in the House itself.

3. "We cannot apprehend but that a bill, by which crimes are charged and a preparation is made to inflict penalties, if the crimes are proved, contains clearly an accusation, especially when a day is given, and council allowed by the House of Commons to the person against whom the crimes are alledged to make a defence to the same; which proceeding, though in the legislative capacity of that House, carries in it all the essential parts of a judicial trial; and we therefore conceive that this House ought to be more jealous of their members answering in the House of Commons an accusation in this form, rather than in any other, since thereby they submit themselves to try the point of their being guilty or not guilty in the House of Commons, and that in order to receive the sentence and judgment of that House, by passing or rejecting the Bill; and this, in our opinions, more deeply entrenches, as the standing order expresseth it, on the privileges of this House, than a Lord's going down to the House of Commons, during a debate there, to prevent an impeachment, doth; the latter being only to prevent an accusation, but the former is, as we clearly conceive, to answer an accusation there; the very thing prohibited by the standing order.

4. "We think the accusation which Lords are prohibited to answer by this standing order, must be chiefly, if not only understood, of an accusation couched in a bill (as in the present case) since we never heard that any lord of Parliament did at any time answer to, or defend in person, or by council, an impeachment in the House of Commons, though they may have gone down to the House by connivance to prevent such impeachment; and therefore Lords defending themselves in the House of Commons against an impeachment, could not be the mischief intended to be cured by the said standing order.

5. "That the House of Commons, on bills to inflict penalties, do proceed, strictly speaking, in their legislative capacity, is certainly true; and yet it is plain to us, that, in reality, they partake in such cases with the House of Lords in the judicature, or, which is all one, in trying and adjudging offenders to punishment; and though the Lords should, in very extraordinary cases, think fit to concur in such a method of punishing, yet it is, in our opinions, going by much too far for the Lords to permit any of their body to make defence in the House of Commons, either by himself or council; which is letting themselves down to a very great degree, and giving an unnecessary encouragement to that manner of proceeding: and when the Lords have so far submitted to this course, we think there is little reason to expect that afterwards the Commons will ever appear at the Lords' bar as accusers, when they can, by this way, make themselves as much judges, even over Lords, as, in this proceeding by bill the Lords themselves are.

6. "Though Lords, by not being permitted to appear, either in person or by council, to defend themselves in the House of Commons, may be thought possibly to lose some advantage in their defence, yet, we think, it was and is the true meaning of the said standing order first mentioned, that a lord should rather suffer something of inconvenience in that particular, and commit his cause to God and the justice of the House of which he is a member, and who are his proper judges, than in any degree debase or derogate from the legal state and dignity of the Lords in general.

7. "Although there be, as we conceive, a very manifest and important difference in reason, as to the matter of this question, between the case of the bishops (who are declared by the standing order of the 23d of May, 1628, to be only Lords of Parliament, and not Peers, for they are not of trial by nobility) and that of the Peers of the realm, who undoubtedly, for matters of treason and felony, are triable by their Peers only; yet since, by the standing order first mentioned, bishops are as much and as clearly prohibited to answer an accusation in the House of Commons, as the Peers and Lords temporal are, we cannot but apprehend, with the deepest concern, that this case may be used hereafter as a precedent (though, as we take it, far from being a precedent in point) to bring by degrees the Peers of the realm to defend themselves against accusations of the like nature in the House of Commons; which if once brought to be a practice, we are of opinion, that the Peers of the Realm would in great measure be degraded from their peerages, and so by weakening and debasing the order of nobility, which in its institution was meant, or at least hath proved a lustre and security to the crown, the safety as well as dignity of the crown itself may be hereafter in a great degree impaired."

(*Signed*) Scarsdale, Cowper, Strafford, Poulett, Hay, Foley, Arundel, Uxbridge, Weston, Bruce, Litchfield, Montjoy, Bathurst, Bingley, Dartmouth, Gower, Trevor, Aylesford, Ashburnham, Compton, Guildford."

Then a second question was put, That this House give leave to the bishop of Rochester to be heard in the House of Commons, by council, or otherwise, if he thought fit, and that he have notice sent him, That this House consented thereto, it was carried in the affirmative by 77 against 27.

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April 3. The Commons in a grand Committee considered of the Pains and Penalties to be inflicted on George Kelly, and after some debate, it was resolved, by 224 voices against 113, that his punishment should be the same as John Plunkett's.

The Bishop *of Rochester declines making his Defence at the Bar of the House of Commons.*] April 4. The bishop of Rochester's trial being to come on that morning, his lordship sent a Letter to Mr. Speaker, which he desired might be communicated to the House; and accordingly, Mr. Speaker read the said Letter, containing in substance, "That his lordship, though conscious of his own innocence, did, on several accounts, decline giving that House any trouble that day, and contented himself with the opportunity, if the bill went on, of making his defence before another, of which he had the honour to be a member."

Notwithstanding this disappointment, the Commons proceeded in that affair, and the counsel for the bill being called in, and the bill read, the counsel opened the evidence, and produced a scheme, taken amongst Mr. Layer's papers, which was read; as were also several copies of letters stopped at the post-office. Then the counsel examined several witnesses, to make good the allegations of the bill; produced several papers taken at his lordship's houses at Westminster and Bromley; as also a packet taken on one of his lordship's servants at the Tower of London; and examined two witnesses; one to prove, that a letter and paper contained in the said packet were his lordship's hand-writing; and the other to prove, that a letter directed to Mr. Dubois, taken amongst his lordship's papers, at the deanry at Westminster, was sealed with the same seal that the letter taken on his lordship's servant at the Tower, was sealed. Then the counsel summed up the evidence, and being withdrawn, the bill was committed to a grand committee for the sixth instant.

April 5. The engrossed bill for punishing Plunket was read the third time; and the question being put, That the bill do pass, the same was strenuously opposed by sir William Wyndham, who was seconded by Mr. Shippen and Mr. Kettleby; but being answered by Mr. Robert Walpole and sir Joseph Jekyll, the question was carried in the affirmative by 250 voices against 72. Hereupon the said bill was ordered to be carried up to the Lords.

The Bishop of Rochester's Petition complaining of Violence being used in searching him in the Tower.] April 5. A Petition of Francis bishop of Rochester, prisoner in the Tower, was presented to the Lords and read, setting forth, "That on Thursday the 4th instant, about three o'clock in the afternoon, colonel Williamson, deputy-lieutenant of the Tower, attended by Mr. Serjeant, the gentleman-porter, and by two wardens, came up to the petitioner's room while he was at dinner, and having put his two servants under the custody of warders below, told the petitioner he must search him; the petitioner asked him for his warrant; he answered, he had authority from the ministry, affirming it upon his salvation; but the petitioner refused to be searched till he shewed it; he then said he had a verbal order, but refused to say from whom; the petitioner told him, if it were verbal only, it did not appear to him, and he would not be searched; he endeavoured nevertheless to search the petitioner's pockets himself by force, but the petitioner wrapped his morning-gown about him, and would not suffer him till he shewed his warrant, which the petitioner demanded five or six times to no purpose; he then ordered the two warders attending him to come to the petitioner and do their duty, and one of them laid hands upon him, and began to use violence; and though the petitioner knocked and called often for his servants, colonel Williamson said they should not, nor were they permitted to come near him; upon this, the petitioner submitted, and they took every thing out of his pockets, and searched his bureau and desk, and carried away with them two seals; they seized also a paper in the petitioner's pocket, but that being a letter to his solicitor about the managing of his cause, which the petitioner thought they could have no pretence to seize while he was under the protection of parliament, he took it again from them and tore it, but they carried a part of it along with them; they searched also his two servants below, and took away a seal from one of them; and those two servants likewise demanded their warrant, but they had none to produce; the petitioner therefore, as a lord of parliament, though under confinement, humbly prays that their lordships would be pleased to take these matters into serious consideration, and grant him such relief and protection as their lordships shall judge proper against such unprecedented illegal and insolent usage."

Debate on a Motion for the Deputy Lieutenant, &c. to attend.] And thereupon a motion was made, and the question was put, "That colonel Williamson, the deputy-lieutenant of the Tower of London, Mr. Serjeant, the gentleman-porter, the two warders who attended colonel Williamson yesterday in the apartment of the bishop of Rochester, prisoner in the Tower of London, and the two servants of the said bishop attending his lordship, do attend at the bar of this House immediately, to give an account of the matters mentioned in the said petition?"

Protest on their Attendance being refused.] The earls Cowper and Strafford, the lords Lechmere and Bathurst, spoke for this motion; but were answered by the lords Townshend, Carteret, and Harcourt; and the question being put thereupon, it was carried in the negative by a majority of 56 voices against 24.

"Dissentient'

1. "Because the petitioner, as a lord of

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parliament and member of this House, though no peer of this realm, hath an unquestionable right, under all circumstances, to the justice and protection of this House against any person whatsoever, who, during the sitting of Parliament, commits any act of violence to his person or property, which this House may adjudge to a breach of privilege; and therefore as we conceive, the facts alledged in the petition, if the same are true, and no account given of them by the persons concerned, to the satisfaction of this House, are an unwarrantable attempt upon a member of this House, we think, that in justice to the petitioner, and to the honour and privileges of this House, there ought to have been an immediate and impartial examination by this House of the persons concerned, we finding no instance on the journals of this House, where any member of the House hath complained, by petition or otherwise, of the least violence or injury to his person, during the time of privilege, wherein the House hath not ordered an examination of the facts so complained of.

2. "Because it appears to us, that the petitioner being under imprisonment, and a bill depending against him in the House of Commons, that House having allowed him the benefit of council and solicitors for making his defence, were proceeding against the petitioner on that bill, in all probability, at the very time the matters complained of were transacted; and as that bill may soon come under the consideration and judgment of this House, the seizing the petitioner's letter to his soliciter, or any thing which may concern his defence, we are of opinion, ought to have been examined into, it being, as we conceive, against the rules of natural justice, the laws of all nations, and the fundamental and known laws of this realm, that any papers or other things in the lawful possession of the person so accused, and which may relate to his defence, should be forcibly wrested from him; or that any person, and more especially a lord of parliament, being under imprisonment and accusation for high treason, should by terror or other violence, be, without just cause, in any degree disturbed in or disabled from making his defence.

3. "Because the refusing to enter into the examination of the matters complained of by the petition may, in our opinions, be construed to be a justification of the proceedings therein alledged, even though there was not a reasonable occasion for the same; and it being suggested in the petition, that the deputy-lieutenant of the Tower did affirm to the prisoner, upon his salvation, that he had a verbal order from the ministry, though he refused to say from whom, and not pretending that what he did was by his own authority, we are of opinion that it was of the greatest consequence to the honour of his Majesty's government, that this House should have examined into this proceeding; and the rather, because we conceive it to be of the highest importance to the free and impartial administration of justice, that this House should on all occasions discountenance all appearance of force, especially on a lord of Parliament imprisoned and accused of high treason.

4. "Because, we think, that if an unjustifiable violence be offered to the person or privilege of any member of this House, and not examined into, it may prove an encouragement to commit the like, if not farther abuses on any other member of this House in future times.——*(Signed,)* Strafford, Cowper, Bathurst, Hay, Montjoy, Guilford, Lechmere, Scarsdale, Poulett, Weston, Foley, Litchfield, Ashburnham, Bingley, Bruce."

Debate in the Commons concerning the Punishment of the Bishop of Rochester.] April 6. The Bill for punishing George Kelly alias Johnson, was read the third time, passed, and sent up to the Lords; and then the Commons went into a grand committee upon the Bill, 'For inflicting certain pains and penalties 'upon Francis lord bishop of Rochester.'

When it came to the filling up the blank for pains and penalties, the court-party moved, That he should be deprived of his office and benefice, banished the kingdom, be guilty of felony if he returned, and that it should not be in the king's power to pardon him without consent of Parliament; but without forfeiture of goods and chattels. Hereupon

Mr. *Lawson* represented, That the evidence against the bishop being all either hearsay, or conjecture, and therefore not to be depended upon, he ought to have no punishment at all.

Mr. *Oglethorpe* was of the same opinion, but gave it another turn; he said, It was plain, the Pretender had none but a company of silly fellows about him; and it was to be feared, that if the bishop, who was allowed to be a man of great parts, should be banished, he might be solicited and tempted to go to Rome, and there be in a capacity to do more mischief by his advice, than if he was suffered to stay in England, under the watchful eye of those in power.

But the question being put upon the first motion, it was carried without any division.

April 9. The said Bill was read the third time, passed, and sent up to the Lords.

REPORT OF THE LORDS RELATING TO THE CONSPIRACY.] April 23. The duke of Dorset according to order reported from the Lords Committees to whom the Report and original Papers delivered by the House of Commons, at several Conferences, were referred; and who were empowered to examine Christopher Layer, and such other persons as they from time to time should think proper, and to whom several Informations and Papers, laid before the House by his Majesty's command, relating to the Conspiracy mentioned in his Majesty's Speech, at the opening of this Parliament, to be carrying on against his person and government, were referred.

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That the Committee, having carefully compared the said Report with the original papers referred to them, and having examined several persons in relation to the treasonable practices and correspondences therein set forth, are fully satisfied and convinced, that a detestable and wicked conspiracy has been formed and carried on, for soliciting a foreign force to invade these kingdoms, for raising a rebellion, and inciting insurrections, in London, and divers other parts of Great Britain, and even for laying violent hands on the sacred person of his Majesty, and on his royal highness the prince of Wales, in order to destroy our religion and constitution, by placing a Popish Pretender on the throne.

And the Lords Committees think themselves obliged, in justice, to observe, that the extraordinary vigilance and application which has been shewn by the House of Commons, in detecting this scene of iniquity, and laying its most hidden springs in so full and clear a light, as it has greatly contributed to the public safety, by opening the eyes, and awakening the just resentment, of an injured nation; so it cannot fail to excite a proportionable zeal and emulation in your lordships, for concurring with that House, in the no less necessary work of bringing the authors of these wicked designs to such exemplary punishment, as may be a lasting admonition to posterity, that artifice and disguise can no more lessen the danger, than mitigate the guilt, of treason; and that they act under a fatal delusion, who hope to abuse the lenity of our laws to the ruin of our Constitution.

The Lords Committees think it a strong confirmation of the truth and exactness of the said Report, that several material observations, which are there advanced as grounded upon probable conjectures only, have since been amply verified and supported by fresh discoveries, arising from the papers lately referred to them by your lordships.

The intelligence sent by colonel Stanhope and sir Anthony Westcombe, in relation to the Pretender's ships under Morgan, as well as the explication given by the Committee of the House of Commons to several of the fictitious names in the intercepted correspondence, is very much illustrated and confirmed by papers seized on board The Revolution, and by the examinations of some of the prisoners belonging to that ship.

It appears by those papers and examinations, that Morgan, who went by the name of Walton, and Gallwey (an Irish Roman Catholic), who went by the name of Gardiner, with others acting under their direction, have, for several years past, been employed in fitting out ships under English colours, which were ready, on all occasions, to attend the motions of the Pretender, who in several of the letters is styled "their "King" and "their royal master:" That the money for these ships was supplied, partly by persons in England, partly by Waters the banker at Paris, and partly by the late duke of Ormonde: That one of these ships, in the year 1719, was sent by Morgan to the Groyn, with an express to fetch the late duke of Ormonde to England; at which time it appears, that Morgan and Gallwey were promised a supply of fifty thousand pounds from friends in England: That others of these ships lay hovering about the coast of Britany, from the year 1718 to 1721, expecting to be employed either by Cane and Chivers (general Dillon), or by Hore (sir Harry Goring), in what they call their home trade: That, in the year 1721, despairing of any employment of this kind, on account, as is expressed in one of their letters, of Hore and his partners being cowards in trade, they engaged themselves in the service of the Swedish Madagascar company, and in December 1721 rendezvoused in the bay of Cadiz for this purpose; but this project likewise failing, on account of some deficiency on the part of the Swedes, Morgan waited on the late duke of Ormonde at Madrid, and was by him supplied with twelve thousand pieces of eight, for fitting out the ships Lady Mary and Revolution for the Pretender's service. Soon after Morgan's return to Cadiz, the arms and ammunition which had been prepared for the Madagascar voyage, consisting of 2,000 muskets, 2,000 bayonets, 1,000 carbines, 400 barrels of powder, and a proportionable quantity of match, flints, &c. were consigned to Morgan, and by him put on board the Pretender's ship, called the Lady Mary; and Morgan having embarked on board the said ship, with several Irish officers, set sail from the bay of Cadiz, the latter end of April 1722, and went first to S'to Antonio, and then to S'to Andero, in the bay of Biscay.

The Committee having sent for Mr. Gustavus Bâhr, formerly a captain in the Swedish service, who, being at Cadiz on account of the Madagascar expedition, had occasion to transact several affairs with Morgan and the other officers of the Pretender's ships; they were informed by him, "That the arms above-mentioned were brought, part of them from Gottenburg, and part from Hamburg, by one of the Pretender's ships, named the Fortune, commanded by one Butler; that 2,000 of the said arms belonged to the Swedish Madagascar Company, and were delivered by him, Bâhr, to Morgan; that the remainder, which belonged to count Rhenstierna, a Swede, were also purchased by Morgan, but not till some weeks after the first 2,000; that Morgan went to Madrid, and returned with 12,000 pieces of eight in bills and money, which sum, he, Bâhr, saw in Morgan's hands; that baron Seebach and one Osthoff (who are frequently mentioned in Morgan's letters), as also count Rhenstierna's agent, who delivered the arms to Morgan, declared to him, Bâhr, since his return to Gottenburg, that Morgan was supplied with these 12,000 pieces of eight from the late duke of Ormond: and that the arms were paid for out of the said money. And Morgan's son, being examined by the Committee, owned, that his father went at that time to Madrid; that the late duke of Ormond was then there; and that

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his father did there receive bills for fitting out the ships; but from whom he cannot tell.

Bâhr farther declared, That all the Swedish officers at Cadiz looked on Morgan's ships as belonging to the Pretender, and spoke of them in all conversations as such; which was confirmed to him expressly by baron Seebach and Osthoff. And one of the sailors of the said ships owned to the Committee, that they went from port to port, without taking in any cargo; that they had sometimes but 60, and sometimes 130 men on board the Revolution; and often received orders for sailing with all possible expedition, which orders were afterwards countermanded, without any apparent reason for one or the other; and that this unaccountable proceeding satisfied him the said ships were engaged in some unwarrantable design. Bâhr farther declared, that Osthoff told him, the ship Revolution was at first purchased in England, for transporting the late king of Sweden, in person, in his projected descent on Scotland; and that he, Bâhr, saw the name Carolus still standing in the cabin of the ship, when he was last on board her. And Morgan's son owned, that he had observed the arms of the crown of Sweden in the said cabin, which he supposed were placed there as a token that the said ship was engaged in the service of the Swedish Madagascar Company, though he owned that the other ships engaged in the same service had no such token.

Some of the particulars above related do very much explain and confirm O——'s letter to L—— of the 27th of April; as also those to Dumville and Dodsworth, in which it is said, that the hopes of remittances from persons in England had induced O—— to supply M—— (which appears to be Morgan); that O—— could depend on 2,000 arms from M—— (which appear to be the 2,000 arms delivered to Morgan by Bâhr, before the date of O——'s letter); that M—— had writ from C—— (which appears to be Cadiz), that he could get more arms, if he had more money; and accordingly the Committee find that a second supply of arms was purchased by Morgan from count Rhenstierna's agent. O——, in his letter to L——, dated the 27th of April, says, I have ordered M——'s ship to come to A——; and it appears that Morgan did at that very time embark on board the Lady Mary, with the arms above-mentioned, and went first to S'to Antonio, and soon after to S'to Andero.

The sailors, on their examination, having mentioned one Hilton, as commanding a ship under Morgan; and the Committee finding a letter from Morgan, directed to Don Nicholas, which in a subsequent letter is mentioned to have been writ to the said Hilton; they thought it probable Hilton might be a fictitious name for Nicholas Wogan, in the same manner as Walton was for Morgan, and Gardiner for Gallwey. Having accordingly examined the sailors as to this particular; one of them said, he believed Hilton was a fictitious name; and Morgan's son owned, that Hilton's true name was Nicholas Wogan; and that he had been confined in England on account of the Preston rebellion, as he was told by Nicholas Wogan, junior, who went by the name of Paterson. And one of the sailors declared, that the said Wogan senior obtained the command of one of the ships under Morgan, after their arrival in the bay of Cadiz.

These particulars agree with Glascock's letter to George Kelly, of the 24th of April, O. S. in which he mentions Nicholas Wogan by the name of Xoland, as being to have the command of a vessel at Cadiz, to cruize against the Turks, or for other views, on which he will not pretend to decide; and Kelly, answering this letter wishes Wogan's chief may succeed in his journey. The same particulars confirm Mr. Crawfurd's letters of the 18th and 25th of July; by which it appears, that the two Nicholas Wogans were at that time come to Morlaix, expecting Morgan's ships to follow them to that port, in order to their setting sail for England; that the eldest of them was to have been captain, and the other lieutenant, of one of those ships; and that they owned the project in Spain, by what they had learned of it, was, for the late duke of Ormond to have landed in the west, with Irish officers and arms.

On the 8th of June, N. S. col. Stanhope writ word, That the late duke of Ormonde was preparing to embark, with arms and officers, for England. And your Committee find, that about that time the ship Revolution set sail from the bay of Cadiz; that the sailors, knowing the Madagascar voyage to be dropped, refused to do their duty, till they were satisfied as to the place they were designed for; that hereupon Gallwey assured them, It was to Gibraltar, in order to clean the ship; but having got them under sail, and satisfied them about their wages, they proceeded to the Bay of Biscay: that they put in at Santo Antonio, to take Morgan on board, and then joined the Lady Mary at Santo Andero: that, upon their arrival at this place, the common report on shore was, that the late duke of Ormonde and four companies of soldiers were to be taken on board the Revolution; that corn and cattle were provided for the said soldiers; and that the late duke of Ormonde was within a short day's journey of Santo Andero: that hereupon the first and second mate of the said ship, suspecting Gallwey to be engaged in some unwarrantable design, agreed not to serve any longer, unless Gallwey would give them a note under his hand, that they were forced into the service, and would also declare whither they were bound, and give them security that they should not be employed in any other voyage than such as he should declare to them; whereupon one of them was confined, and the other discountenanced by Gallwey.

But that Gallwey's real expectations were to have come over with the late duke of Ormonde, appears to the Committee most evident, from the copy of a letter of his, dated the 16th of

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June, the day before he set sail from Cadiz; in which are these words:

"I hope the ——— will sail to-morrow. Your not repeating orders and advice concerning the business in hand, gives me a thousand apprehensions. God send our bankers and the rest of our friends are safe, and stand their ground. I intend to embark myself on board the ———, for fear my dear aunt should have any occasion for assistance: of whom I am so tender, that I would not, if possible, have the care of her put into any other hands."

The Committee observe, That the same expression of "my aunt," is used in the letter to Dodsworth, with such circumstances as make it highly probable, that, in that letter, as well as this of Gallwey's, it denotes the late duke of Ormonde. They likewise observe, that the names of Manfield and Medley are used in Morgan's and Gallwey's letters in such a manner, as confirms those names to mean the late duke of Ormonde, agreeably to the explication given them in the Report of the Committee of the House of Commons.

Gallwey, in his letter of the 3rd of Nov. 1722, says, He has a couple of fine greyhounds, a dog, and a bitch, for Mrs. Freeman. The same dogs are mentioned in another letter, and in the depositions of two of the sailors, to have been a present from the late duke of Ormonde to the Pretender; which confirms the explication of the name of Freeman, mentioned in the said Report, to be true.

There was likewise seized on board the Revolution, a letter to Gallwey, signed, John Obrien; which appears to be in the same hand-writing with the letters signed Gerrard and M. Digby, taken among Mr. Dennis Kelly's papers; and confirms Gerrard to mean sir John Obrien, one of Dillon's secretaries, agreeable to the conjecture in the said Report.

Gallwey, in a letter dated from Alicant Bay, the 13th of September last, expresses his concern for Kelly's confinement; but hopes, That is the worst that can befal him. And a letter in Kelly's hand-writing, signed, Ja. Johnson, directed for Gardiner, but enclosing a note for twenty guineas payable to Gallwey, was found on board the Revolution; as also a direction, entered with Kelly's own hand, in a pocket-book supposed to belong to Morgan. Kelly, in his letter, acknowledges the receipt of one from sir John (which is probably their common correspondent sir John Obrien;) and says, Their friends in Spain are well, as one of the family writes him word; which shews how extensive Kelly's correspondences were.

Gallwey, in a letter from Genoa, of the 3rd of November, 1722, (which appears to have been writ to one of the Pretender's family) says, He has acted for many months past under the direction of Medley (Ormonde), who, he makes no doubt, has mentioned him to Mr. Freeman (the Pretender:) Yet, in his letter to lord Carteret, after his ship was taken, he has the assurance to affirm, That he never saw the late duke of Ormonde since he left England; nor ever corresponded, directly or indirectly, with him or the Pretender, or any of their adherents at home or abroad; but was always zealously well-affected to his present Majesty and our happy establishment.

Gustavus Bâhr, abovementioned, deposes, among other particulars, That he has been informed, the Pretender's agents had arms for 3,000 men, lodged at a house belonging to the late duke of Ormonde, near Morlaix, in Brittany: Which port, the Committee observe, was one of the usual stations of the Pretender's ships under Morgan; and it appears probable that these 3,000 arms made part of the 10,000 mentioned in O—'s letter to L—, as provided by D—; who is supposed to be Dillon.

Robert Franklyn, second mate of the ship Revolution, deposes, That letters, directed to John or James Jacobs, at Genoa, were taken up at the post-house by Gallwey. The Committee observe, that Jones, in his letter to Chivers, mentions his having communicated the copies of Manfield's and Jacobs's letters. And Glascock, in his letter to George Kelly, of the 1st of May, says, He hopes money is sent to pay for the barrels, which Jacobs has at his disposal; in both which places, it is probable that Jacobs means Gallwey; and that barrels mean stands of arms, is confirmed by a letter of Morgan's; in which, speaking of that very ship that brought the arms abovementioned from Gottenburg and Hamburgh to Cadiz, he says, She had received orders for taking in nineteen barrels, with every thing necessary to make use of them; which last words seem to refer to the bayonets, flints, and powder.

The intelligence sent by Mr. Crawfurd, on the 27th of May, That Gordon of Boulogne was to have a ship ready to transport some of the chiefs of the conspiracy to England, is confirmed by the deposition of Roger Garth (already published) who declares, That the said Gordon (whom he had good reason to believe to be an agent of the Pretender's) did, some time last summer, endeavour to engage him to ply off of that station with his sloop, in order to carry over such persons as he the said Gordon should recommend to him; promising him, that he should have employment enough.

The Lords' Committees conceive, that the several particulars above related will appear to the House very much to corroborate the accounts received from abroad, of ships provided for transporting the late duke of Ormonde to England, with arms and officers, the beginning of last summer; and that they also confirm the decyphering of the letters, and explication of the names, contained in the Report of the Committee of the House of Commons.

The Lords' Committees, observing that some paragraphs of the letters referred to them were writ originally in cypher, thought it proper to call the decypherers before them, in order to their being satisfied of the truth of the decyphering. The account they received from those persons was, That they have long been

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versed in this science, and are ready to produce witnesses of undoubted reputation, who have framed letters in cypher, on purpose to put them to a trial; and have constantly found their decyphering to agree with the original keys, which had been concealed from them. It was likewise confirmed to the Committee, That letters decyphered by one or other of them in England, had exactly agreed with the decyphering of the same letters performed by persons in foreign parts, with whom they could have no communication; and that, in some instances, after they had decyphered letters for the government, the keys of those cyphers had been seized; and, upon comparing them, had agreed exactly with their decyphering.

With respect to the intercepted letters in question, they alledged, That, in the cypher used by George Kelly, they find the words ranged in an alphabetical order, answering the progressive order of the figures by which they are expressed; so that the farther the initial letter of any word is removed from the letter A, the higher the number is by which such word is denoted: That the same word will be found to be constantly denoted by one and the same figure, except in the case of particles, or words of very frequent use, which have two or three figures assigned to them; but those always following one the other, in a progressive order. They likewise set forth, That, in the cypher abovementioned, a certain order is constantly observed as to the placing of the words made use of; that, under each letter of the alphabet, the first cyphers are allotted to the proper names of places, the next to the proper names or titles of persons, the next to whole words in common use, and the last to denote single letters.

As to the truth of the decyphering, they alledged, "That several letters, written in this cypher, had been decyphered by them separately, one being many miles distant in the country, and the other in town; and yet their decyphering agreed: That facts, unknown to them and the government at the time of their decyphering, had been verified in every circumstance by subsequent discoveries; as, particularly, that of H—'s ship coming in ballast to fetch O— to England, which had been so decyphered by them two months before the government had the least notice of Halstead's having left England: That a supplement of this cypher, having been found among Dennis Kelly's papers the latter end of July, agreed with the key they had formed of that cypher the April before: That the decyphering of the letters signed Jones Illington and 1378, being afterwards applied by them to others written in the same cypher, did immediately make pertinent sense, and such as had an evident connexion and coherence with the parts of those letters that were out of cypher, though the words in cypher were repeated in different paragraphs, and differently combined." And they insist, "That these several particulars, duly weighed, amount to a demonstrationof the truth of their decyphering."

As to the other cyphers, made use of by Jernegan, Stanley, and Walter Grahame, they consist only of 24 figures for the 24 letters of the alphabet, and some other figures for proper names, or whole words; in the placing of which names, a certain order is also observed.

These several particulars they declared themselves ready to attest, upon oath; and to produce sufficient witnesses to their character and integrity, as well as their skill.

The Committee, being empowered by your lordships to examine Christopher Layer, did accordingly spend some time in the said examination; which produced a tedious repetition of the particulars contained in his examination before the Committee of the House of Commons, and some few circumstances, which they found he had recollected by reading the printed Report and Appendix.

All that he confessed to them, which is new, was, "That he did, before his setting out for Rome, acquaint Plunket with his intentions of carrying over a note of the names of the Tory gentlemen of Norfolk, if Plunket thought it would be acceptable: That, during his stay at Rome, sir William Ellis told him, "That he had formerly corresponded with Plunket, at the request of the lady Middleton; but that he had not for some time past corresponded with Plunket, or any one else, in relation to the Pretender's affairs; for that, from the time of the action at Dumblain, so many Scotish noblemen and gentlemen had come over to the Pretender, that he and all the rest of the old servants had been forbid all correspondence in England or elsewhere." Upon Layer's desiring leave to correspond with him if it were practicable, he told Layer, "That, on condition he would promise to write nothing but what might be shewn to the Pretender himself, he would settle a correspondence with him; for that though he had followed the fortunes of the late king James and his family ever since the Revolution, and had always been faithful to the Pretender, and for many years his cashier: yet, if any of the Scottish gentlemen that were about the Pretender should know he received a letter without communicating it to him, it would cost him his place, and he should be in utter disgrace:" That, Layer promising to write nothing but what might be shewn, Ellis gave him a cypher of his own hand-writing, as also another cypher of cut paper, for carrying on the correspondence: That he, Layer, likewise settled a cypher of fictitious names with Mrs. Hughes, nurse to the Pretender's child; and received a letter from her, in relation to the christening of his daughter. He would not own that he knew of any other cypher; and persisted that [Mrs. Kinder] meant the said Mrs. Hughes; though in Ellis's cypher it stands for Mrs. Fox. He said, "That the paper which he desired a copy of from sir William Ellis, and which is referred to in Ellis's letter of the 30th of January, was a short scheme, relating to the Preston affair, shewn him by Ellis while he was at Rome; of which he re-

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members no other particulars, but that insurrections were to be begun in several counties in a dark night: That, when he made application to Plunket, for the fictitious names of Burford, Steele, &c. he was forced to acquaint Plunket with his having settled a correspondence with Ellis; which Plunket resented, and said, He thought Ellis had been forbid all correspondence with persons here:" That the reason of his asking Plunket for a fictitious name for lord Orrery was, that he had occasion to mention to Ellis a club, which Plunket had often told him of: That Plunket once shewed him a list of this club, of his own handwriting, which he read over two or three times; but that Plunket talked so inconsistently of them, that he, Layer, verily believes it was a mere fiction of his own, and that there never was any such club: That he, Layer, thinks lord Orrery mentioned to him lord Strafford, as one of those who, with lord North, sir Harry Goring, and others, were (as lord Orrery was informed) going to do a rash thing in favour of the Pretender; but that he cannot be positive as to lord Strafford: That he, Layer, wrote himself to the Pretender, concerning the difference of opinion which he observed in lord North and lord Orrery, about the means of restoring him, and the necessity there was that the Regent should permit general Dillon to come over here with some foreign forces.

That he also drew up a scheme of a lottery, to have been opened here, in favour of the Pretender; and enclosed the said scheme in a parcel, with some silk stockings, which he sent as a present to the Pretender and his spouse by Andrew Haye, who travelled to Italy with alderman Barber: That he delivered this parcel to Haye with his own hands, who promised to convey it to Ellis, and said he could do it with safety: That Haye, as he believes, understood the stockings to be for the Pretender and his spouse: That he likewise had some discourse with Haye, about getting copper plates engraved at Rome, in English and Italian, for the tickets of the said lottery; and desired him to receive sir William Ellis's directions about it; which Haye promised to do: That, while he, Layer, was at Rome, Haye asked him, "Whether he would not see the king?" meaning the Pretender: And that the said Haye went frequently to the Pretender's family, in the way of his business; and was, as he believes, present while the Pretender's and his spouse's pictures were drawn."

Haye, being examined by the Committee, owned the receipt of the stockings; but denied their being delivered to him by Layer, or that he knew who they were for. He likewise owned the carrying a packet to Belloni, the banker, at Rome; which was brought to him by a porter from Layer, as he supposed.

Layer owns, "That Haye told him Belloni was the Pretender's banker; but denies his sending any such packet by Haye."

And, in several other particulars of their examinations, they contradicted each other.

A Scheme of the Lottery abovementioned (for raising 225,000*l.* sterling) having been found among the papers of Walter Jefferies, now in custody, the Lords' Committees thought proper to examine him, how he came by it. He owned his being acquainted with Layer and Plunket: That he saw Layer about the time of his going abroad, and helped him to a bill on a banker at Antwerp; but he denied his knowing from whom he received the said scheme, or his having had any conversation with any one about it; and said, It might be put into his hands by Plunket, for aught he he knows; but that he was not sure he had ever read it; and, if he had known such a paper had been in his custody, he should have destroyed it.

The Lords' Committees being informed, That Layer, between the time of his delivering the larger and lesser bundle of papers to Mrs. Mason, had delivered to her a large parcel, covered with blue paper, and sealed in several places; and that he did, within a few days after, take it back again, telling her he wanted to carry it to lord North and Grey's; they examined Layer particularly on this head; but he denied that he ever delivered her any such bundle.

The Lords' Committees next proceeded to the examination of John Plunket; who began with large protestations of his innocence; and offered, of himself, to account for three facts charged upon him in the report, and to shew they were great mistakes. The first was, his receiving a letter from George Kelly; the second, his receiving the letter at Antwerp, signed Dixwell; and the third, his receiving the letter from the Pretender, taken at Mrs. Creagh's. And as, in his examination before the Committee of the House of Commons, he had fallen on the expedient of substituting Hugh Thomas to personate Rogers; so now they found he had furnished himself with three different persons, at different places, all of the name of Plunket, to whom, he would have it believed, these letters were written; without offering any the least proof, or circumstance of probability, to shew that such persons were at all concerned in those letters, or that there ever were any such persons in being.

The letter from George Kelly, he said, was not writ to him, but to one Harry Plunket, who delivered it to him at Will's Coffee-house, Covent-garden; and that it related to some money that was to be raised on a security of Mrs. Barnes's.

As to the letter signed Dixwell; he said, There were two clergymen of the church of Rome, one or both of which travelled with him and Layer from Dover to Antwerp; that one of them went by the name of Loyd, but his real name was Plunket; that this man dropped the letter signed Dixwell at a coffee-house: and he, John Plunket, taking it up, with a design of restoring it to him in Lorrain (to which place sometimes one and sometimes both of these clergymen were gone), shewed it to Layer, who

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took it into his head that this letter had been writ to him John Plunket.

The letter from the Pretender, he said, fell into his hands much in the same manner: That there is one father Plunket at Rome, to whom the Pretender always writes, when any body is to be introduced to him. Being asked, Whether father Plunket travelled with Layer to Rome (because mention is made in the Pretender's letter of a companion of Plunket's?) He said, The Pretender always called the person that was to be introduced by father Plunket his companion; that this father Plunket happening to shew him this letter and commending the hand, he, John Plunket, said, He had a friend as Rome, that would be glad to see the Pretender's hand-writing; and father Plunket having accordingly left the letter with him, he shewed it to Layer, and forgot to return it to father Plunket, who never called for it, having fifty more letters of the same kind by him.

Upon the Lords' Committees asking him, Whether he went by the name of Rogers? He said, He went by several names in his travels, that he might not be imposed upon in his reckonings, as the English generally are. Being asked, Whether he took the name of Rogers to prevent his being thought an Englishman? He said, That in Italy he was called Rogieri.

They farther asked him, Whether he had dictated any fictitious names to Layer, or had mentioned any thing to him of a club? To which he answered, That he had given Layer the fictitious name of Bedford, or Burford, for lord Orrery, which name he had from Neynoe: That one night, being in company with Layer and some clergymen, whose names he has forgot, the discourse turning on the protests of the lords, and the names that were subscribed to them, one of the company said, These are a loyal club: another said, They are Jacobites; and that he, Plunket, said, There was a loyal club of eighty or ninety lords, that would stand in defence of their country.

He further observed to the committee, That, in the Bill now depending before your lordships, he is not mentioned by the name by which he was baptized and confirmed. He said his surname was Plucknet; but his christian name he declined telling; and seemed to place some hopes and confidence in this subterfuge.

The Committee, finding him trifle with them in this egregious manner, asked him, in general, Whether he had ever been in conference with the Pretender, or had corresponded with him, or any of his agents? To which he answered in the negative.

The Committee next sent for George Kelly; who told them, That, the affair being soon to be brought before your lordships, he desired to be excused from answering any questions: So that they had no opportunity of examining him, as to the new matters alledged against him in the depositions of Mr. Philip Caryll and others.

However, they thought it proper to send for the said Mr. Caryll; and to ask him, Whether he had any thing to add to, or retract from, his former accounts. His depositions being read over to him, he expressed himself very angry, and uneasy, at their being made public; and told the Committee, He was not disposed to answer any farther questions, being sorry for what he had said already. He likewise insinuated, That what he had said, had not been taken down exactly as he dictated it; and seemed apprehensive, that he was called upon to accuse himself of matters that might be prejudicial to him. But, upon the Committee's telling him that the most effectual way he could take, to do himself service, was to make a candid and ingenuous discovery of the whole truth, he said, He had already given a candid account, and hoped he should not have been a sufferer for his candour. Being asked, Whether his depositions had not been read over to him before he signed them? He said, They were; but that he was in a great confusion at the time they were taken. Being then required by the Committee to read them over himself, and to shew in what particulars they vary from his sense and meaning, he grew more composed; and having read over the first, dated the 27th of March, said, He believed it was right enough. In reading over the second, dated the 29th of March, he said, It was not strictly true, that sir Harry Goring had told him what is there related, concerning an invasion, commission, &c.; but that it was true he had heard sir Harry Goring say so: That, as to lord Lansdown's being to land in the west, he could not be positive; but he thinks sir Harry Goring said so. He said it was but a supposition of his own, that the discourse which occasioned the bishop of Rochester's taking sir Harry Goring by the collar related to the Pretender's affairs; but that he remembers very well sir Harry Goring did affirm, that, on his saying the words, there recited [This is rocking the cradle indeed!], the Bishop did take him by the collar; and that he, Caryll, did apprehend the said discourse to have relation to the Pretender's affairs. He said, It was about two years ago, that, being at sir Harry Goring's, he saw a letter lay on his scrutore, directed, to Mr. Hore; and, upon his asking sir Harry who the said letter was for, sir Harry told him, it was writ to himself. He said, That the words in his deposition, which import, That he, Caryll, had reason to believe Kelly and sir Harry Goring were settling together a key, at his house at North, by which they might correspond, are too strong; for that he, Caryll, did not see any such key; only it was his suspicion and thought, at that time, that they were framing such a key.

He likewise said, That what relates to Boyce, in the said deposition, is rather stronger than he meant it; for that Boyce only told him, He was afraid the servant he, Caryll, had sent to him, to help off, was Sample; alledging this reason, That he had observed he was disguised; and that he was afraid he was somewhat like the description given of Sample in the pro-

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cination. All the other particulars of his depositions he averred to be true; but said, he had nothing farther to add; and that he would rather a thousand times die in Newgate, than be an evidence.

Bayce being examined by the Committee, owned, That sir Harry Goring went to France in his yacht; and that a servant went over with him, in a black wig, whom he had never seen with sir Harry Goring before. But he utterly denied his having conveyed over any person sent to him by Mr. Caryll; or his having had any discourse with Caryll, about any person's answering the description of Sample.

The Committee, having summoned before them William Beasing of Horn Dean, and having read to him his former depositions, find that he retracts what he had there deposed on oath, of Caryll and sir Harry Goring's being in company, at his house, with the person who had but one hand. He says, such a person was at his house, with two other gentlemen; but that he now recollects Caryll and sir Harry Goring were not there at that time. Being asked, Whether he had received any letter, or message, since his being in custody, which had helped to set him right in this particular? he answered in the negative.

The Committee observe, from the parts of Mr. Caryll's depositions which he affirmed, that the explication given to the name of Hore, in the Report of the Committee of the House of Commons, as also the decyphering of that part of Kelly's letter which mentions Hore's commission, and the conjecture of Goring's having carried over a new cypher from Kelly to France, are very much confirmed. They likewise observe, that what is said in Glascock's letter to Kelly, of the 20th (31st) of October, concerning the arrival of the little French merchant mentioned by Kelly, and the precaution they intend to use in relation to him, till some other appears with whom they may talk of business more to the purpose, has probably relation to Sample's being got safe to France: And the letter signed Fra. Philips, which Caryll owns he received from Kelly, not only confirms Kelly's writing by fictitious names, but is a strong argument of his being the person that writ the letter to Bonnaville of the 27th of September, and consequently the other letters charged upon him in the Report: For as, in his letter to Caryll, he says, I have never heard a syllable from your other lawyer (sir Harry Goring) since you and I were with him, which you will say is pretty surprising, and am afraid very detrimental.—So, in that to Bonnaville (writ within five days of the other) he says, I have not heard a syllable from D. Gainer or G. Roberts since Mr. G. Sampson went, which has been a great surprise, and I may say no small detriment to some of their friends."

This identity of expression in two letters, writ at near the same time, appears to be a further confirmation that the same person writ them both; and confirms G. Sampson to be the same with the other Lawyer, which Caryll has explained to mean sir Harry Goring.

The Lords Committees also find, in the papers referred to them, new evidence of Kelly's visiting, writing to, and receiving letters from, the bishop of Rochester; as appears by affidavits from the persons who carried Kelly to the bishop's house, and who also delivered letters from him to the bishop, and brought back the bishop's answers. And Mrs. Levett deposes on oath, That Mrs. Barnes has told her, Kelly received in one day as many letters from abroad as came to fourteen or fifteen shillings; the directions of which she, Barnes, saw; but they were in such odd fictitious names as no one could find out but Kelly, who had the key: That, among those letters, there was one for the bishop of Rochester (as Kelly told her), which he was at that time gone to deliver to the bishop. And John Malone deposes, That, among the letters which he carried from Kelly to the post, there were some directed to Waters, the banker, at Paris; under whose cover it appears that most of the treasonable letters were sent; and the original letter in Kelly's own hand, stopped at the post-office, was enclosed in a cover so directed.

Mrs. Levett farther deposes, That Mrs. Barnes told her, under secrecy, that the dog sent from France was a present from the late lord Mar to the bishop of Rochester's lady; which is, in some measure, confirmed by the draught of the affidavit prepared for Birmingham at Paris, in which he is desired to swear, That lord Mar knew nothing of any such dog; and though this affidavit does not appear to have been sent over by Kelly directly, yet express mention is made, in the letter to Gordon, that the said affidavit is the copy of a note from the person concerned, with the substance of what he thinks requisite. This circumstance of the dog's having been sent by the late lord Mar, which is not expressly alledged in any part of the report of the Committee of the House of Commons, is a new confirmation that the letter signed 918, which mentions the sending the dog, is from Mar; and that Musgrave, to whom the receipt of the dog is acknowledged in two several letters, is likewise a name denoting Mar, agreeably to what is asserted in the said Report.

The Committee find, by two affidavits referred to them, that George Kelly, the last time he was taken into custody, offered the woman of the house a gold watch, forty guineas in money, and a note for forty pounds more, to let him escape.

The Committee have laid the substance of these several examinations together, as having some reference to George Kelly.

They likewise examined Mr. Dennis Kelly; who utterly denied his being advised with, or knowing any thing relating to any conspiracy. Several papers, found in his custody, being shewn to him; he denied his having ever seen them before, except when some of them were shewn to him at former examinations.

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They next sent for captain Pancier; and, having ordered his former depositions to be read to him, asked him, whether he had any thing to add to, or retract? He affirmed every part thereof to be true; and said, he had only this farther particular to add, That having lately seen George Kelly, as he was brought down to the House of Commons, he recollects that he has often seen him at the gaming-tables with Skeene; and that Skeene and the said Kelly were intimately acquainted, as he is able to prove by several witnesses of credit.

Skeene, being called in, and having heard Pancier's depositions read over to him, owned, That he was acquainted with Pancier, and had been in company with him at several of the times and places mentioned in the said depositions: That he was taken prisoner in the Preston rebellion; but is not related to Mar, nor has ever seen Mackintosh since he parted from him at Highgate. He owned, he had had general discourse with Pancier, relating to a plot; and that Pancier had asked him several questions about it, to some of which he, Skeene, assented, and to others not; but he denied his having told Pancier any farther particulars than were in the news-papers, or in the current report of the town. As, for instance, when Pancier asked him, where the late duke of Ormonde was? he told him, The news-papers said, he was at Corunna. But he positively denied his having ever mentioned to Pancier any particular persons as concerned in the conspiracy, or any of the particular facts specified in his depositions.

He farther said, He had reason to believe that Pancier had sent to him, since his being in custody, to advise him to make his escape; for that one Gerrard Fitzgerald, having been walking with Pancier in the Park, came directly from thence to him, Skeene, at the messenger's house, and advised him to make his escape; though he owned that Fitzgerald made no mention of Pancier's having sent him any such advice.

Fitzgerald being sent for by the Committee, owned, he had been to see Skeene; and finding nobody at that time in the house but a woman, told Skeene, it would be an easy matter for him to escape; but he cleared Pancier from having sent any such intimation or advice. He farther said, That Skeene told him, he did not know but he might have talked foolishly to Pancier, but that, if he had, Pancier was but a single evidence; or to that effect.

The Committee find, among the papers referred to them, a copy of the orders which Arnold received from the owners of the ship Phineas, requiring him to follow the directions of Roger Nowell (Halstead) during the voyage; as also an affidavit, by which it appears, that the said Halstead was to visit the bishop of Rochester, and stayed an hour at his house, a few days before his setting out for Bilboa.

They also find a very remarkable letter, sent to one of the secretaries of state by an unknown hand, dated the 12th of February 1721-2, and enclosed in one dated the 31st of March; which first appears to be the letter referred to in one of Neynoe's examinations, as drawn up by Kelly and himself, and brought back to him corrected, as he believed, by the bishop of Rochester.

They likewise find a paper, taken in lord North and Grey's study at Catlige, which contains several very extraordinary reasonings on the nature of oaths; tending to prove, that the oaths to the present government are not obligatory; and that though the taking such oaths is in itself unlawful and a grievous sin, as being inconsistent with prior oaths or obligations; yet neither the taking nor breaking them can, in strictness, fall under the denomination of perjury.

This is the substance of what the Committee have been able to collect, from a careful perusal of the papers referred to them, and a long examination of several of the persons concerned; in some of whose power, they have reason to believe, it was to have made ample discoveries, if they had been disposed to speak the truth.

And though the Lords Committees cannot reflect without pity and compassion on the misguided zeal and wretched infatuation of those men, who rather choose to expose themselves to the greatest dangers, than to discover the authors or accomplices of their treasons; thereby declaring to the world, that the leagues and confederacies of private villany are dearer and more sacred to them than the strongest ties and obligations of society; yet the Committee make no doubt but the matters contained in the Report referred to them, and corroborated by the result of their present inquiry, will appear to your lordships so clearly made out, that the conspirators, sooner or later, will have leisure to repent of the rash and impious choice they have made, of being rather true to one another, than to God, their consciences, and their country.

The above Report being read by the Clerk, was ordered to be taken into consideration to-morrow.

The Thanks of the House given to the Lords Committees.] April 24. The House took into consideration the said Report, and it was resolved, "That this House is fully satisfied and convinced, that a detestable and wicked Conspiracy has been formed and carried on, for soliciting a foreign force to invade these kingdoms, for raising a rebellion, and inciting insurrections in London, and divers other parts of Great Britain, and even for laying violent hands on the sacred person of his Majesty, and on his royal highness the Prince of Wales, in order to destroy our religion and happy constitution, by placing a Popish Pretender on the throne."

After this it was ordered, That the Thanks

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of this House be given, by the Lord Chancellor, to the said Lords Committees, for their having discharged the trust in them reposed, with great exactness, care, fidelity and candor.

The Lord Chancellor's Speech on that occasion.] Thereupon the Lord Chancellor addressing himself to the Lords of the said Committee, gave them the thanks of the House in the following words:

"My Lords who were of the Committee,

"I am commanded by the House to give your lordships the thanks of this House, by your having discharged the trust reposed in you, with great exactness, care, fidelity and candour.

"My Lords;

"The trust was as great as ever was reposed by this House in any of its members. The subject matter of your inquiry, a Conspiracy the most dangerous as well as detestable, big with mischiefs of all kinds, and destructive of every thing that is valuable amongst us; carried on and managed in a new devised method, with the utmost cunning as well as wickedness, and covered with all the disguises the most artful dexterity could contrive; and which therefore required the greatest penetration and skill to lay open. And the papers, some of them of such a nature, that it was thought fit to refer them to your lordships, locked up as they were, without reading them in the House.

"My Lords;

"Your lordships have fully answered the expectations the House entertained, when they pitched upon you for this trust.

"Your application in going through so many papers of affected and studied obscurity; your candour and exactness in examining the persons concerned or any way capable of giving any satisfaction, and in representing what they said; the accuracy and judgment of your remarks; the light you have so happily given to several passages in the Report of the Committee of the Commons, which though in themselves just, were yet liable to cavils, by such as were loath to have the truth found out, give, I dare say, a sensible pleasure to every lord here, that has heard your Report read, and finds himself thereby enabled to form a judgment with so entire satisfaction to himself, concerning this abominable work of darkness, which the actors have endeavoured to surround with impenetrable obscurity.

"This noble pleasure, of seeing the truth, notwithstanding so many contrivances to hide it, and of being thereby enabled to come to right resolutions in a matter of such importance, has very naturally and agreeably broke out into so unanimous a resolution of returning the thanks of this House to your lordships, to whom they so much owe it. And in obedience to their commands, I do, with particular pleasure, give your lordships the thanks of this House, for your having discharged the trust in your lordships reposed, with great exactness, care, fidelity, and candour."

3

Proceedings in the Lords on the Bill against Plunket.] April 26. Mr. Plunket was brought to the bar of the House of Lords, where he had the assistance of a solicitor only, and objected to the second reading of the bill, 'For inflicting pains and penalties on him,' in that House, alledging, that he had never been heard against the said Bill in the House of Commons; but this objection was overruled, and the Lord Chancellor acquainted him, this was, not the proper time to object to the bill.

Then Mr. Reeves and Mr. Werge, were heard for the bill who opened the Evidence, and produced extracts of several original letters from abroad relating to the conspiracy, to prove the first part of the preamble of the Bill.

Hereupon Mr. Plunket said, "That if this bill affected none but himself, he would be unconcerned about it, and give their lordships no trouble, well knowing he was too inconsiderable to merit the attention of so noble an assembly, and being besides advanced in years, he little cared whether he was to pass the remainder of his days in the wide world, or in a prison: but that he opposed this bill for the good of the whole nation, whose liberties and properties would become precarious, if such an unprecedented bill, unsupported by any legal proof, should pass into a law: and as the peers of the realm were no less concerned than the commoners in this extraordinary proceeding, he doubted not but their lordships would, with their usual wisdom and equity, maturely weigh the ill consequences of it; and in the first place, he begged their lordships to consider, whether extracts of intercepted letters, some of them from anonymous and unknown persons, should be admitted to be read as evidence."

Mr. Plunket, and the counsel for the bill being withdrawn, the lord Townshend opened the debate, and endeavoured to justify the Commons, proceeding in this extraordinary manner, and to shew that the conspiracy in general, and Plunket's share in it, in particular, were made out by as strong and as convincing proofs, as could be expected in a case of this nature, where the conspirators had used all sort of art and industry to conceal the true names of the persons concerned, in order to avoid the danger of legal conviction. His lordship was supported by the duke of Argyle, the earls of Peterborough and Coningsby, and lord Carteret; who were answered by the earls Cowper, Strafford, and Anglesea, and the lords Bathurst, Bingley, Trevor, and Lechmere; and after a debate that lasted till about three in the afternoon, it was moved, "That the opinion of the judges be asked, whether extracts out of letters written by the King's Ministers abroad, and others, to the Secretaries of State here, attested by the Secretary of State, and examined by the Lords of the Committee, and found to agree with the originals, (which originals are yet extant, and remain in the hands of the Secretaries of State, but contain particulars which it is not consistent with the safety

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of the public to divulge, as hath been affirmed to this House by the two Secretaries of State;) and which the lords committees offered to be produced, to prove the first part of the preamble of the bill; which recites a detestable conspiracy for the purposes in the bill, could be allowed to be read as evidence in the courts below, in any prosecution against Plunket.'

And a question being stated thereupon and put, it was resolved in the negative; upon which the following lords entered their dissent, viz. Cardigan, Anglesea, Guilford, Scarsdale, Bruce, Craven, Aylesford, Gower, Lechmere, Uxbridge, Poulett, Litchfield, Fr. Cestriens', Brook, Exeter, Berkeley de Stratton, Bathurst, Foley, Compton, Weston, Willoughby de Broke, Dartmouth, Masham.

Then a motion was made and the question put, Whether the said extracts should be read in proof of the allegations of the preamble of the said Bill? And it being resolved in the affirmative by a majority of 91 voices against 29, several lords entered their dissent, viz. Strafford, Scarsdale, Craven, Aylesford, Bruce, Cardigan, Uxbridge, Poulett, Lechmere, Fr. Cestriens', Berkeley de Stratton, Bathurst, Anglesey, Litchfield, Foley, Guilford, Weston, Gower, Compton, Brook, Masham, Dartmouth, Willoughby de Broke, Exeter.

Then Mr. Plunket and the counsel being called in, the latter proceeded to prove the conspiracy, in general; and for that purpose, caused several letters, and extracts out of letters received from abroad, to be read. In the next place they offered to read Neynoe's examinations and confessions before a Committee of the lords of the privy council, but Plunket opposed the reading of them, urging, that the examinations of a dead man, neither signed nor sworn to by him, could not affect him, and therefore ought not to be admitted to be read as evidence. The earl Cowper thereupon desired that the House might be informed what nature those examinations were of? And whether they were signed, and taken upon oath? To this last question the lord viscount Townshend answered in the negative, and then gave the House the reasons of that omission, and an account of the said Examinations, viz. That Neynoe being, at first, free and willing to confess what he knew of the conspiracy to the lords of the council, they only took the minutes of what he said in three different papers, which were each of them read twice to him, who owned every article of them to be true; That afterwards he, (the lord Townshend) delivered those three papers to Mr. De la Faye, in order to his digesting them into one, which accordingly he did; That they designed to get this paper signed and sworn to by Neynoe, but that, in the mean time whether upon the dread of being sent to Newgate, unless he turned evidence, he endeavoured to make his escape, and was drowned.

Plunket still insisting, that the said examination ought not to be admitted as evidence, and desiring their lordships' judgment thereupon, he and the counsel were ordered to withdraw; and then it was proposed, that the examination of Philip Neynoe, since dead, be read in proof of the conspiracy in general? A question being stated thereupon, it was moved to add these words, viz. But not taken upon oath, nor signed by him. After a debate, the question being put, whether these words should be made part of the question? It was resolved in the negative, by 87 against 29. Then the question was put, Whether the examination of Philip Neynoe, since dead, should be read in proof of the conspiracy in general? Which, after a debate, that lasted till near seven in the evening, was carried in the affirmative; and thereupon the following lords entered their dissent, viz. Scarsdale, Gower, Anglesea, Cardigan, Strafford, Dartmouth, Aylesford, Brook, Foley, Bruce, Willoughby de Broke, Exeter, Litchfield, Weston, Poulett, Compton, Masham, Fran. Cestriens', Uxbridge, Craven.

Then the counsel for the Bill produced several evidences which were examined, and also copies of three letters stopt at the post-office. Then several witnesses were examined against the Bill; and Plunket and his solicitor were heard; which having lasted till eleven at night, the Lords adjourned to the next morning.

Plunket's Defence.] April 27. The counsel for the Bill proceeded in their Evidence, and having summed it up, Mr. Plunket made some observations thereupon, and begged leave to send for some witnesses, who were in prison for debt. His request was granted, and then the House adjourned during pleasure. Being about an hour after resumed, Mr. Plunket produced several witnesses, in order, principally, to invalidate the testimony of Matthew Plunket, a serjeant of invalids at Plymouth, whose depositions bore hardest against him. Mr. Plunket produced also a graver in order to prove, That a man's hand-writing might be so nicely and perfectly counterfeited, as that not only others, but even himself, might be deceived by it, and not distinguish it from the true and genuine hand: Hereby he endeavoured to discredit and weaken the testimony of Mr. Radick, a German, formerly an under-secretary to count Gallas, who having been employed by Mr. Plunket in translating into German some letters which the said Plunket pretended to have intercepted at count Bothmar's, was perfectly acquainted with his hand, and thereupon deposed that Plunket's intercepted letter, of the 23rd of July, 1722, signed Jo. Rogers, was his hand-writing. The prisoner said little in his own defence, but complained, That while the Bill was depending in the House of Commons, he had no time to make his defence there. When he had done speaking, the counsel for the Bill answered all his objections, and endeavoured to shew them to be frivolous and ill-grounded. They said, they would produce witnesses of undoubted credit to support Matthew Plunket's reputation and evidence; That

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as to the counterfeiting a man's hand-writing, they did not deny the possibility of it, but that it did not from thence follow, that it had been done in the present case; That it was, at least, incumbent on the prisoner to prove the fact, which he had been so far from attempting to do, that on the contrary, while he was in custody, he had been extreme cautious to write any thing, for fear of furnishing the government with proofs against himself; That when the serjeant at arms attending the House of Commons, did, by their order, deliver to him a copy of the Bill against him, he, at the same time, caused pen, ink, and paper to be brought to him, letting him know, that he might apply either by petition to the House, or by letter to the Speaker, for counsel to assist him in his defence, but that he declined making use of the liberty allowed him to write, and even refused signing a letter which captain Laroon, who guarded him at sight, had offered to write for him; so that it was his own fault he did not make his defence before the Commons. All this was confirmed upon oath by captain Laroon, who gave the Lords a full account of the prisoner's behaviour during his confinement; and it is remarkable, that Plunket having endeavoured to puzzle the captain by some cross questions, he betrayed himself, owning, That the reason why he would not write any thing, was, because he had been told, that the government had several letters of his that were not yet printed, which they might compare with his hand-writing. The King's counsel produced several other witnesses to support their allegations, and having made an end of their evidence, they were ordered to withdraw. Then their lordships examined the prisoner for about a quarter of an hour; which done, in a Grand Committee, they went through the Bill to punish him; and put off the third reading of it to the 29th.

The Bill against Plunket passed.] Accordingly on that day, the said Bill was read the third time, and, after debate, the question being put, whether the said Bill should pass, it was carried in the affirmative, by 87 voices against 34.

Protest against passing it.]

"Dissentient'

1. "Because bills of this nature, as we conceive, ought not to pass but in case of evident necessity, when the preservation of the state plainly requires it; which we take to be very far from the present case, the conspiracy having been detected so long since, and the person accused seeming to us very inconsiderable in all respects, and who, from the many gross untruths, it now appears, he has wrote to his correspondents abroad, must appear to have been an impostor and deceiver even to his own party.

2. "Proceedings of this kind, tending to convict and punish, are in their nature, though not form, judicial; and do let the Commons, in effect, into an equal share with the Lords in judicature; which the Lords ought to be very jealous of doing, since the power of judicature is the greatest distinguishing power the Lords have; and there will be little reason to hope, that if bills of this nature are given way to by the Lords, the Commons will ever bring up impeachments, or make themselves accusers only, when they can act as judges.

3. "This Bill, in our opinion, differs materially from the precedents cited for it; as to the case of sir John Fenwick, it is plain, by the preamble of that bill, that the ground most relied on to justify proceeding against him in that manner was, that there had been two legal witnesses proving the high treason against him, that a bill was found against him on their evidence, and several times appointed him for a legal trial thereon, in the ordinary course, which he procured to be put off, by undertaking to discover, till one of the evidences withdrew; so that it was solely his fault, that he had not a legal trial by jury; all which circumstances not being in the present case, we take it, they are not at all to be compared to one another.

4. "As to the acts which passed to detain Counter and others concerned in the conspiracy to assassinate the late king William, of glorious memory, we conceive, those acts were not, in their nature, bills of attainder, as this is, but purely to enable the crown to keep them in prison, notwithstanding the laws of liberty; whereas this is a bill to inflict pains and penalties, and does import a conviction and sentence on the prisoner, not only to lose his liberty, but also his lands and tenements, goods and chattels, of which he having none, as we believe, we cannot apprehend why it was inserted, and this bill not drawn on the plan of Counter's, &c. unless it was to make a precedent for such forfeitures in cases of bills which may hereafter be brought to convict persons, who have great estates, upon evidence which does not come up to what the law in being requires.

5. "If there be a defect of legal evidence to prove this man guilty of high treason, such defect always was; and we think if bills of this nature, brought to supply original defects in evidence, do receive countenance, they may become familiar, and then many an innocent person may be reached by them, since it is hard to distinguish, whether that defect proceeds from the cunning and artifice or from the innocence of the party.

6. "This proceeding by bill does not only, in our opinions, tend to lay aside the judicial power of the Lords, but even the use of juries; which distinguishes this nation from all its neighbours, and is of the highest value to all who rightly understand the security and other benefits arising from it; and whatever tends to alter or weaken that great privilege, we think, is an alteration of our constitution for the worse, though it be done by act of parliament, and if it may be supposed that any of our fundamental laws were set aside by act of parliament, the nation we apprehend would not be

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at all the more comforted from that consideration that the Parliament did it.

7. "It is the essence of natural justice, as we think, but it is most surely the law of the realm, that no person should be tried more than once for the same crime, or twice put in peril of losing his life, liberty or estate; and though we acquiesce in the opinion of all the judges, that if this bill should pass into a law, Plunket cannot be again prosecuted for the crimes contained in the preamble of the bill, yet it is certain, that if a bill of this kind should happen to be rejected by either House of Parliament, or by the King, the person accused might be attacked again and again, in like manner, in any subsequent session of Parliament, or indicted for the same offence, notwithstanding that either House of Parliament should have found him innocent, and not passed the bill for that reason; and we conceive it a very great exception to this course of proceeding, that a subject may be condemned and punished, but not acquitted by it.

8. "We think it appears in all our history, that the passing bills of attainder, as this, we think, in its nature is (except as before is said, in cases of absolute and clear necessity) have proved so many blemishes to the reigns in which they passed; and therefore we thought it our duty in time, and before the passing this bill, as a precedent, to give our advice and votes against the passing it, being very unwilling that any thing should pass which, in our opinions, would in the least derogate from the glory of this reign.

9. "We apprehend it to be more for the interest and security of his Majesty's government, that bills of this nature should not pass than that they should; since persons who think at all cannot but observe, that in this case some things have been received as evidence, which would not have been received in any court of judicature; that precedents of this kind are naturally growing (as, we think, this goes beyond any other which has happened since the Revolution) and if from such like observations they shall infer, as we cannot but do, that the liberty and property of the subject becomes, by such examples, in any degree more precarious than they were before, it may cause an abatement of zeal for a government founded on the Revolution, which cannot, as we think, be compensated by any of the good consequences which are hoped for by those who approve this bill.——(Signed,) Scarsdale, Willoughby de Broke, Poulett, Cowper, Bathurst, Gower, Anglesea, Guilford, Osborne, Trevor, Oxford and Mortimer, Weston, Hay, Masham, Brooke, Compton, Fran. Cestriens', Montjoy, Uxbridge, Bingley, Exeter, Strafford, Craven, Foley, Berkeley de Stratton, Aylesford, Bruce, Litchfield, Dartmouth, Ashburnham, Lechmere, Cardigan."

Proceedings in the Lords on the Bill against Kelly.] April 30. Mr. George Kelly was brought from the Tower, to the bar of the House of Lords, to make his defence against the Bill, 'To inflict pains and penalties upon 'him,' with the assistance of the council who had been assigned him, to wit, sir Constantine Phips and counsellor Pratt. After the second reading of the bill, Mr. Reeves and Mr. Werge were heard to it, who opened the nature of the evidence they had to produce, to prove the conspiracy in general, and the prisoner's part in it, in particular Mr. Kelly's council raised several objections to both, and, in a special manner, strenuously opposed the reading Neynoe's examination, urging, that as it was neither taken upon oath, nor signed by him, it ought not to be admitted as evidence: But as this objection had already been in Plunket's, so was it easily over-ruled in the present case.

Hereupon several informations of Philip Neynoe were read, importing in substance, That George Kelly, who often went by the name of Johnson, frequently told him, that the bishop of Rochester held correspondence with the Pretender and his agents; That he (Kelly) was employed by the bishop in writing for him, and carrying on the said correspondence; That the Pretender relied more on the advices from the bishop, than from any other person; That the bishop went sometimes by the name of Jones, sometimes by that of Illington; That he had seen several cyphers in Kelly's hands, one in figures, another of fictitious names, for carrying on the correspondence with the Pretender's agents; That the informant (Neynoe) had been employed to draw up three several memorials to the regent of France, to solicit him to send forces to the assistance of the conspirators; the last of which was in December, 1721, and contained a demand of 5,000 men to be sent to invade these kingdoms; and that the heads of these memorials were given him by Kelly, and one who went by the name of Watson, whom he took to be the late earl Marishal; That in March following, Kelly brought him (Neynoe) the heads of a letter, to be drawn up with a design of its being intercepted by the government, in order to amuse them into a false security; That he drew the said letter in a paper writ column ways, and that it was brought back to him, corrected, as he believed, by the bishop of Rochester; That Neynoe farther added, That Kelly assured him, the bishop got notice of his being to be taken up, some days before it happened; and that this notice was given the bishop by one of the Lords of the Council.

The Council for the Bill urged, That they had evidence to produce to prove, That Neynoe was intimately acquainted with Kelly, and thereby had an opportunity of being informed by him; That the bishop of Rochester was also acquainted with Kelly, invited him to dine with him, and sent to inquire after his health; and that the several particulars contained in Neynoe's information, were corroborated and supported, in every material circumstance, by several concurrent proofs: To which purpose several witnesses were examined.

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Then the Counsel for the Bill offered to produce the intercepted letter from Mr. Kelly to Mr. Gordon, junior, banker at Bologne, dated April 20, 1722, with a packet inclosed, consisting of three letters, one to Chivers (gen. Dillon) signed T. Jones, another to Musgrave (earl of Marr) signed T. Illington, and a third to Mr. Jackson (the Pretender) signed 1378, dated April 20, part of each of them writ in cypher, and which appeared by the matter to be from the same person; and the letters to Musgrave and Jackson, being inclosed in that to Chivers, were supposed to have been dictated to Kelly by the bishop of Rochester. But the counsel for the prisoner strongly opposed the reading those letters as evidence, and several peers, particularly the lord Bingley, took great pains in examining the decypherers, Mr. Willes and Mr. Corbiere, as to the rules and certainty of their art. They both averred, That they had decyphered the letters in question, at a great distance one from the other, and without their communicating their keys to each other, or having any key communicated to them; and that the rules they went by were almost as certain and infallible as any used in mathematical demonstrations. But having, at the same time, owned, That in their several explications of what was writ in cypher, there had happened some small variations, such as the word 'care,' and 'to provide,' in the one, and 'concern,' and 'to procure,' in the other; a debate arose upon the question, whether copies of letters intercepted at the post office, and decyphered, should be read as evidence: The same being carried in the affirmative, the council for the Bill proceeded in their evidence till about nine in the evening, when the House adjourned.

May 1. The House being met, and Mr. Kelly brought to the bar, the counsel for the bill examined several other witnesses, and then summed up their evidence, which lasted till about four in the afternoon. After this sir Constantine Phips and counsellor Pratt made each a long pleading in their client's defence, and, in particular, shewed the danger of such an unprecedented way of proceeding, without full and legal proofs, in cases, where the lives, liberties, and properties of the subject, were concerned: After which they examined witnesses, to invalidate the evidence given for the bill, and in particular Neynoe's informations. Among the rest, Mr. Bingley, who was taken up at Deal with Neynoe, deposed, That Neynoe had several times owned to him, That in order to humour those in power, and to get money from them, he had told them several stories of a pretended conspiracy; That by this means, he got three or four hundred pounds from Mr. Walpole. And, that among other drudgeries which Mr. Walpole required him to do, he prevailed with him to convey into one of Mr. Kelly's drawers a list of names of persons concerned in the Conspiracy; that the said list might be seized, when Kelly was apprehended. This being a charge of a very heinous nature upon a person of so distinguished a character, it was thought proper, that Mr. Walpole should have an opportunity to clear himself; upon which that affair was farther adjourned to the next morning.

May 2. The Commons, upon a message from the Lords, having given leave that Mr. Walpole might attend their lordships' House, to be examined as a witness, Mr. Walpole, upon oath, gave their lordships a full account of the whole matter: He said, That on Saturday the 28th of July 1722, he received a letter subscribed S. T. intimating, that if the person who wrote it received encouragement, he would make considerable discoveries, and if an advertisement acknowledging the receipt of this letter, and complying with the proposal, were inserted in the gazette, the writer would wait upon the Chancellor of the Exchequer, by the name of Walton. That it being then too late to have an advertisement inserted in that day's gazette, the same was deferred till Tuesday the last day of July. That the next day, Neynoe, according to his promise, waited upon him, Mr. Walpole, who finding him at first very willing and free to tell all he knew of the conspiracy, and to explain some fictitious names, made use of in the letters intercepted by the government, unknown to the said Neynoe, this deponent, (Mr. Walpole,) gave him, as an encouragement, first the sum of 200*l.* by the king's order, and afterwards, 150*l.* at three several times. To corroborate this deposition, Neynoe's letter, of the 28th of July, 1722, and the advertisement inserted in the London gazette, in conformity thereto, were produced, which fully destroyed Bingley's evidence: For as Kelly was taken up about the middle of May, and Mr. Walpole never saw Neynoe till the beginning of August, it was impossible for the latter to tamper with Neynoe to convey the list of the names in question, into one of Mr. Kelly's drawers, when he should be apprehended.

Motion to resolve, That certain Letters were not dictated by the Bishop of Rochester to Kelly.] This point being over, the counsel for the prisoner desired, That they might be at liberty to proceed to examine witnesses to prove, by several circumstances, That the letters dated 20th April, 1722, given in evidence for the bill, were not dictated by the bishop of Rochester to the prisoner George Kelly; but a motion being made for complying with that desire, the same occasioned a very warm and long debate; and the question being put thereupon, it was carried in the negative by 82 voices against 47.

Protest on its passing in the Negative.]

"Dissentient'

1. "Because it was insisted on by the prisoner's counsel, that the proof desired was necessary to his defence, and if allowed to be made would contribute to satisfy the House of the prisoner's innocence of the crimes charged on him by the bill; for which reason alone, if there was no other, we think the witnesses

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ought to have been examined, it being, in our opinions, against the constant course and rules of justice, in criminal proceedings of all kinds, to preclude the prisoner's defence by refusing to hear his witnesses, if they are legal and competent, and in derogation of the honour and justice of the House, on this occasion, to anticipate the judgment of the House in the least circumstance which the prisoner or his counsel insist on to be material to his defence, and which may, if proved, be of weight in the consideration and judgment of the House.

2. "It appears to us to tend directly to prove the guilt or innocence of the prisoner, to discover, whether the bishop of Rochester did dictate to the prisoner the letters mentioned in the question; because it was declared to the House by the counsel for the bill, in opening the charge against the prisoner, that the letters, though wrote by the prisoner, were dictated to him by a greater person; and although the counsel for the bill when called upon did not think fit to name that greater person, yet it being suggested in the Report of the House of Commons, communicated to this House, and it being universally supposed hitherto, that the bishop of Rochester did dictate the said letters to the prisoner, it became, in our opinions, incumbent on the prisoner to give the House what satisfaction he could in that particular, the same being made a circumstance and part of the accusation against him, and if falsified, or rendered incredible, might influence the judgment of the House in other circumstances.

3. "Because the declaration of Philip Neynoe deceased, though not signed or sworn by him, hath been allowed by the House to be read and given in evidence, in proof of the particular facts charged on the prisoner in the bill; in which declaration the prisoner is expresly charged by the said Neynoe to have frequently told him, that the bishop of Rochester held correspondence with the Pretender and the Pretender's agents, and that the prisoner was employed by the bishop in writing for him, and carrying on the said correspondences, and that he had several times left Mr. Kelly at the bishop's door, when Mr. Kelly went into the bishop's house and stayed there an hour or two, and upon coming back to him that the prisoner made apologies for staying so long, and told him he had been writing the bishop's letters, which he always apprehended to be the foreign correspondence of the bishop with the Pretender's agents; for which reason also, we conceive, the proof desired ought to have been received, because it may be thought a denial of justice, by this House, to the prisoner, not to permit him to answer, even by legal evidence, the particular and direct evidence, which the House hath allowed to be given against him.

4. "Although the prisoner may be guilty of a treasonable correspondence, if he wrote the letters mentioned in the question, and the same were not dictated to him by any person whatsoever, yet the facts charged in the bill, having been endeavoured to be proved, not by direct proof of the facts themselves, but by circumstances; in our opinions, the prisoner's defence must be applied to answer the several circumstances; and it is, as we conceive, equally unjust to deny him the liberty of falsifying that circumstance of his writing the letters, being dictated to him by the bishop, as it would be, to refuse to allow him to prove, that the said letters were not, or could not be wrote, or sent to the persons to whom they are suggested or charged to have been wrote or sent, or, to refuse him to prove by circumstances, that the prisoner himself did not or could not write the same, at the particular times and places the same are suggested to be so wrote or sent by him, or to deny him liberty to falsify, by circumstances, any other circumstance relating to the supposed treasonable correspondence charged on him by the bill.

5. "The council for the bill having alledged, as one reason against the examinations desired, that they were not prepared to answer that evidence, might have been a ground for the House to have allowed them a reasonable time for such preparation; but in our opinions that consideration ought not to weigh against the prisoner's giving the evidence to the House which he was prepared to give, especially since it was alledged, that the examinations, now desired, were desired on the prisoner's part to have been made at the bar of the House of Commons, and thereby so long ago publicly notified by the prisoner.

6. "Because the refusal of the proof of any circumstance of the prisoner's defence, if such refusal be not just, must in its consequence affect the justice of the whole proceeding against the prisoner, because it deprives the House of the liberty of forming a judgment upon the whole case, and tends, so far as that particular goes, to subject this proceeding against the prisoner to the objection of partiality, which is most highly dishonourable to this House, especially considering the latitude which hath been allowed in other parts of the examination on this occasion.——*(Signed.)* Gower, Guilford, Strafford, Litchfield, Cowper, Trevor, Osborne, Montjoy, Poulett, Craven, Compton, Bruce, Lechmere, Middleton, Leigh, Tadcaster, Bathurst, Pomfret, Northampton, Berkeley de Stratton, Denbigh, Scarsdale, Stawell, Anglesea, Cardigan, Fran. Cestriens', Dartmouth, Weston, Wharton, Arundell, Masham, Foley, Willoughby de Broke, Brook, Bingley, Ashburnham, Uxbridge, Exeter, Salisbury, Hay, Aylesford."

Kelly's Defence at the Bar of the House.] Mr. Kelly's counsel having made some farther observations on the evidence given for the bill, and summed up their own evidence:

Mr. *Kelly* spoke in his own Defence as follows;

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My Lords;

Since my council have so fully answered every article alledged against me, it may seem unnecessary to take up your lordships' time, by saying any thing for myself. And, indeed, it would be so, if my charge were ordinary or particular.

But, my Lords, I have been represented as a person doubly guilty; first, in transacting treason for myself: and, secondly, in doing it for other people.

These are crimes of the most heinous nature; and if they were as clearly proved, as they have been strongly asserted, I should justly merit your lordships' highest displeasure, and all the pains and penalties that you could possibly inflict upon me.

And since my charge is so very extraordinary: since these proceedings seem to be without any precedent; and, that the innocence of other persons calls upon me for public justice; I believe your lordships will easily allow, that to be silent in such a case, would be truly criminal, and but too justly censured.

To enter into all the particulars of my accusation, would, I fear, take up more time than is reasonable for me to ask, or for your lordships to allow: and though the many inconsistencies, contradictions, and false conclusions which appear in almost every page of the printed Reports, plainly shew the weakness, absurdity, and sophistry of them; however, I shall only beg leave to touch upon those material parts, which relate to myself, and my defence to them.

And the first Article which I find myself charged with, is, the employing of one Neynoe to draw up three memorials to the Regent of France, to solicit foreign forces to invade this kingdom.

And for proof of this, the examinations of the same person, which are neither upon oath, nor so much as signed by him (and whom the Committee of the honourable House of Commons have represented as a very infamous fellow) are the only evidence assigned against me.

This, my Lords, is the crime! and, This the proof!

And though the bare mentioning of it, might be sufficient to convince your lordships of its weakness; however, since so great a weight has been laid upon this kind of evidence in another place, it will be necessary to be a little more particular about it.

The two first of these Memorials (*viz.* Those before and after the South-Sea Scheme) are but slightly mentioned: but the one pretended to be drawn up in December 1721, (and containing a demand of 5000 men) and a Letter said to be written the March after (to amuse the government into a false security) are the chief things upon which any stress is laid.

And, how false both these allegations are, has, I don't doubt, evidently appeared to your lordships. For,

Had my accuser been really employed to draw up any such memorials, it is reasonable to believe, that he would have kept copies of some, and especially of the last of them; since a person who turned informer so suddenly after, may very well be presumed to have had thoughts of it for some time before; and such papers would, no doubt, give great weight to his information.

But the ministry have produced no such copies; neither do they pretend to have them: which is a very great indication that there never were any such memorials at all.

Besides, there are no two of his Examinations of a piece. Nay! he contradicts himself in almost every one of them. For,

In his second Examination, he says, That these memorials were all drawn up by the order of one Henry Watson (whom he really did not know, but took to be the late earl Marishall) without making the least mention of me.

In his third Examination, he says, That they were delivered to me and Watson; and in his fourth, he says again, they were all drawn up by the order of Henry Watson only. And, in a few lines after, contradicts himself and says, That the heads of them were given to him by me and Watson: which are such inconsistencies, as (your lordships will easily grant) are not to be reconciled: and if his memorials were no better drawn than his examinations, I believe, they were not likely to meet with any great success.

As to the late earl Marishall, how reasonable it is to believe, that a person in his circumstances should venture to come into England, and live so openly here, as to intrust himself, and a secret of this nature, to a fellow, who (by his own confession) did not know him, is humbly submitted to your lordships.

And as for my part, it is very plain, that I could have no hand in them, since the minutes in my pocket-book (in which I could have used no disguise) agreeing with the concurrent testimony of several witnesses, plainly shew that I was not in the kingdom at the times in which my accuser pretends to have been so employed.

For, by those minutes, and their testimony, it appears, that I went to France the 23d of November, 1721, and did not return untill the latter end of the next month: And my accuser himself owns, in his first Examination, That he did not see me after my return, untill the January following; which makes it impossible, that he could have been so employed by me in December, since I was most part of that month out of the kingdom; and the few days of it that I was here, he owns, he did not see me.

Nor has the other part of his information relating to the letter (which he pretends to have drawn up in March) better grounds.——For, by the same minutes, and by the same evidence, it likewise appears, that I went to France the 22d of February after, and did not return untill the middle of April, which makes it as impossible, that he could have been employed by me in March, since I was then likewise out of the kingdom.

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Had this examination been taken at any distance of time, it is possible he might be mistaken in it; but his first information must have been about the middle of April, soon after my return from France; for he confessed to the person taken up with him at Deal, That he was the first who set the ministry upon intercepting letters. And the first letters so intercepted, are owned, in the 42d page of the Report made to the lower House, to have been the 23d of April, 1722——And, surely he cannot be supposed to have forgot so soon, what happened the very month before; especially, since he has been so particular, as to name the very day (Saturday) upon which he says this letter was so drawn up.

By all which it plainly appears, that this Article is not only groundless, but evidently false: and likewise, that he had no such intimacy with me (as the Report pretends) since he has declared, that I never spoke to him of the conspiracy; and that I could be a month at one time, and two months at another, out of town, without his knowing any thing of it.

As to what is said to his coming sometimes to my lodgings, I believe it may be true; but it has been fully proved, that his visits were never to me, but always to another person, who lodged in the same house.

And, I do solemnly affirm to your lordships, that I never was acquainted with the late earl Marishall, or with any such person who went by the name of Watson: that I knew very little of my accuser; so little, that I am confident, I never spoke to him ten times in my life; nor ever employed him in this or any other affair whatsoever.

The second Article charged upon me, is, 'The carrying on of a treasonable Correspondence for the bishop of Rochester.'

And for proof of this, the examination of the same person is the only evidence produced against me, wherein he says, that I frequently told him, the bishop was concerned in such a correspondence; and that I managed it for him; with other particulars not worth mentioning to your lordships.

How reasonable it is, that I should tell such a strange untruth to a person that I knew so very little of; and what credit ought to be given to his bare assertion, who has affirmed such gross and notorious falsehoods in the former Article, must be submitted to your lordships.

And, in my present unhappy situation, I cannot but think it a very great and singular happiness, to have so public and honourable an occasion of purging myself from so vile a calumny, and of doing justice to that most worthy and learned prelate.

And I do solemnly declare to your lordships, upon the faith of a Christian, That I never wrote or received a letter of any kind for the bishop of Rochester, or was privy to any correspondence of his at home or abroad: that I never shewed him any letter that ever I wrote to France, or ever sent one there by his privity or direction: that I am very little known to his lordship, went very rarely to wait upon him; so rarely! that I am confident few of his servants know either my name or face; and have not seen him above three or four times these two years past, and not above eight or ten times in my whole life.

I do farther declare, That my visits to his lordship were public; that I never went privately in a chair to his house; always found other company with him who were generally strangers to me; and never once mentioned his name, upon this or any other account, to the person who has thus accused me: which, with the evidence that has been produced of his own confessions to that purpose, is, I hope, sufficient to convince your lordships of the truth of it.

And as for the dog, which has been brought as a circumstance to prove this matter, I do, in the same solemn manner, declare, That he was given to me by a surgeon at Paris (whose affidavit has been offered to be produced) and who at that time, I do verily believe, never heard of his lordship's name; and that he never was designed for any-body but the person I gave him to:

And I appeal to the very ministers themselves, if the British resident at Paris, (who is constantly attended by that very surgeon, and examined him about it) has not confirmed the truth of this account to them.

I do farther affirm, That the bishop of Rochester never saw him; never received any letter or message by me, nor (do I believe) by any other person about him: neither did I ever know or hear, that his lordship had any intercourse or correspondence with the late earl of Mar, or any other disaffected person abroad.

My Lords,

It cannot be imagined, That I have any particular interest or concern in this matter; for I never received any favours from his lordship; neither do I owe him any obligations, but those of common justice; and those I should perform, where I have so much truth of my side, to the greatest enemy I have upon earth.

As for the other circumstances which are brought to strengthen my accuser's examinations, and are set forth in one Pancier's deposition; they will appear, I do not doubt, as groundless and inconsistent as the examinations themselves.

For this person swears, That another told him of this conspiracy: That six or eight battalions of Irish forces were to come from Spain to assist the conspirators. That 200,000*l.* were raised, and 800 men regularly subsisted for this purpose in London.

These, my Lords, are called in the 38th page of the Report of the lower House, 'The Concurrent and Corroborating Proofs of my accuser's examinations:' And I humbly appeal to your lordships, if any one of them carries the least colour of reason or probability with it. For, can it be imagined, That such a force

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should come from Spain, when there appears to be so strict a friendship betwixt the two kingdoms? Or, That 200,000*l.* could possibly be raised among all the disaffected in England, in case there was a licence for it? Or, 800 men regularly subsisted in this city, without a discovery?

These are such idle, inconsistent tales, as, I am persuaded, can never have any weight with your lordships.

Besides, my Lords, this is only bare hear-say; and if the hear-say of such infamous persons (or, indeed, of any persons) be looked upon as sufficient evidence, I believe, no man in England can be sure of his life or liberty an hour, since any two people may talk him into high-treason whenever they please; and the greater the person is, the greater his danger always will be.

The third crime which I stand charged with, is, The writing of three treasonable letters for the bishop of Rochester, supposed to be for the Pretender, the late earl of Mar, and general Dillon, which letters are said to have been sent by me to Mr. Gordon at Bologne, with directions to be delivered to one Mr. Talbot.

And, for proof of this, the clerks of the Post-Office are produced, who swear, That those letters were (to the best of their knowledge) written in the same hand with an original which was stopt as a specimen of it: Which original has been sworn by two persons to be my writing, and consequently, those letters must be so too.

My Lords,

These letters are dated the 20th of April, and the specimen so stopped, the 20th of August; just four months after.

And how it is possible for people (who receive such a number of letters) to swear to a likeness of hand, at such a distance of time; and what weight ought to be laid upon this kind of evidence; or upon that modern and mysterious one given by the decypherers, in which they do not pretend to a certainty themselves, must be submitted to your lordships.

And as to the persons who have sworn to my hand, I hope it will be considered, That one of them is a messenger, who never saw any of my writing, but the superscriptions of a few letters, which, your lordships may easily see, do not bear the least likeness with what he has sworn to.

Besides this very person was turned out of his employment upon my account; and a few days after he gave this evidence in the House of Commons, I saw a paragraph in the newspapers, that he was restored to it again.

And as to the other, it is to be hoped, That it will be likewise considered, That he is a servant, who attended me only about three weeks, and was turned off for an infamous action, which he has acknowledged himself to have been guilty of: besides, he has confessed, That he never saw me write, but as he went backwards and forwards in the room; and at such a distance, as not to be able to distinguish one character from another: and it has been proved by two witnesses, (one of which was a particular friend of his own) That he declared, He never knew any thing of my hand; but was threatened by the Secretary of State into the affidavit, which has been printed to that purpose in the Appendix.

And if that paper had been my writing, it is impossible they could be reduced to a necessity of making use of such improper evidence, since no pains have been spared to procure better; since numbers of people have been taken up, confined, and examined to this very point: and Newgate sent to, more than once, for witnesses to it.

And though it might be proved by the very Report of the lower House, That those letters could not have come from the bishop of Rochester; however, my business is only to convince your lordships, That I was not the writer of them, and of this, I believe, it is impossible to give clearer proofs than I have done: For if those letters had been dictated to me the 20th of April (as the report pretends) it must have been at his lordship's house in the country; since it appears by the deposition of his coachman, that he went there the 12th of that month, and did not leave it till the 5th of May.

But it has been proved, that I was in London all that time; and if it had been permitted, there is not a person in the bishop's family, but would testify, That I was not then at his house in the country; and, consequently, could not have written any such letters for him.

Besides, I have brought several persons of credit and undoubted characters, who have all testified, That the hand in which those letters are said to be written, is not mine, nor any thing like it.

An affidavit has been produced from Mr. Gordon, That he never received any such letters from me, nor ever had any correspondence, or even an acquaintance with me.

And it has been likewise proved, That Mr. Talbot, to whom those letters are said to be delivered by Mr. Gordon, was in this town the very day upon which they are said to have been delivered to him at Bologne: And if I had any such letters to transmit, can it be imagined, that I would trust them to the common post, when I had so good an opportunity to send them by, or direct them to Bologne, when the same post might as well have carried them to Paris.

These are such full, such evident proofs, as, I hope, cannot fail of giving your lordships the utmost conviction in this matter; and, consequently, that this article is, like the rest, both groundless and manifestly false.

But, if any credit is to be given to the confessions which my accuser made to the person taken up with him, it is very plain, that those letters must have come from another quarter; and, to say no worse, were at least calculated to carry on his own base and villainous designs.

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For it has been proved to your lordships, that he confessed to have been employed by one of the ministers, received 350*l.* from him, and was to have 2,000*l.* more.

That this minister declared a personal prejudice, upon some private account, to the bishop of Rochester; was resolved to pull down the pride of that haughty prelate, and to squeeze me (as I think the expressions were) to that purpose.

I say, if any credit is to be given to this confession, there can be no great difficulty in tracing out the source of this part of the conspiracy; and I am heartily sorry to say, That there are some circumstances which seem to give but too great a countenance to the truth of it.

For, my lords, he made this confession at a juncture when he may very well be supposed to have spoken in the sincerity of his heart; when he saw his villainy detected; believed himself to be in the greatest danger, and depended upon the person's assistance (to whom he made it) to help him out of his misfortunes. And how particular this prosecution is, and how sufficiently I have been squeezed, are things but too visible, and too well known to the world.

Besides, the very cypher by which those letters were written, (and which he owned to have received from that minister) was actually caught upon the person to whom he gave it; and he confessed, That he put a paper of directions into one of my drawers, by which (the report says) most of the treasonable letters were addressed.

And it has been proved to your lordships, that those drawers were constantly open, and that he made some pretext for being alone in my lodgings, the very night before I was first taken up.

And since he was the first that set the ministry upon intercepting letters, which he said were mine, it is very extraordinary, that such a material part of his evidence should be omitted in his examination, or that the very first letters so intercepted, should be those alledged against the bishop of Rochester: and if the originals of those three letters were stopt, I do not at all doubt, but they might be proved to be my accuser's own hand-writing.

And how strong a sense he had of his guilt, by attempting an escape which proved fatal to him, and how visibly the hand of God has interposed in that eminent prelate's favour, by taking one of the persons, designed for his destruction, out of the world, and giving the other grace and virtue enough to withstand all temptations to his prejudice, are things highly worthy of your lordships just and most serious consideration, and no small indication of his innocence.

And as to the money which my accuser owned to have received; that there was a very sudden and extraordinary change in his condition; that, from the lowest state of poverty and want, he soon arrived to that of a vicious and most profligate affluence, is a truth sufficiently known to all those that were acquainted with him.

But from whence this change proceeded, or what real grounds he had for aspersing that honourable person, I will not pretend to say; but if those aspersions be false, as I wish they may, it may be justly inferred, that a fellow who was capable of vilifying one person, may very well be judged as capable of doing so to another: and if his veracity is not to hold good in one case, there can be no reason for allowing it in the other.

The fourth crime alledged against me, is, a number of intercepted letters, supposed to be written to, and received from the late earl of Mar, general Dillon, and other disaffected persons abroad.

And for the proof of this, a Frenchman has been produced, who swears, That he once saw me take up a letter at Burton's coffee-house, by the name of Baker, which name, it is said, some of the treasonable letters were addressed by; and was, in a paper of directions, found in my lodgings. How that paper came there, has been already proved to your lordships.

And as to the person who has swore to this particular, I must observe, That when he gave this evidence to the House of Commons, he did not know me, though he spoke to me, and looked several times earnestly at me; and for the truth of this, I can appeal to most of the members of that honourable House, who were witnesses of it; and he would still have probably continued in his ignorance, if some private hints, as I have been told, were not given him, or the same method taken, which has been done with a number of other strange fellows, who were frequently sent to the Tower, and had no other business but to take a view of me.

Besides, the people of the coffee-house have testified the contrary, and that no such letter ever came to their house. And though it be set down in my examination before the council, that I confessed to have taken up such a letter, I humbly appeal to my Lord Chancellor (if it can be worth his lordship's while to recollect it) if he did not ask me that very question two or three times; and if I did not as often deny it. Neither is this the only particular that is falsely set down in that examination. And I do solemnly affirm to your lordships, That I never did receive any such letter, nor ever saw that paper of directions, till it was printed in the Report.

And there is one circumstance pretty remarkable in this correspondence, that as it began with my accuser's information, so it ended with his being taken up. For immediately after a new correspondence is pretended to be discovered; and to fix this likewise upon me, it has been suggested, that I sent cyphers by sir Harry Goring to France, and had letters directed by them to Sturgess's and Slaughter's coffee-house.

But, my Lords, no such cyphers were found in my custody, nor any papers relating to such

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a correspondence, and the people of those coffee-houses have all sworn, that I never ordered any letters of that kind to be taken in, or received one, either by my own or any other name from them. Nay, one of them has sworn, That no such letters ever came to his house at all; another says, that a messenger from the secretary's office, was the only person that ever called at his house for those directed to it.

And as to the printed examination of one Mr. Caryl, to this purpose, it were to be wished, that this gentleman's reasons had been published, as well as his accusation.

For I am confident, he will not pretend to say, that ever he saw me write a line in his life, or give a piece of paper of any kind to sir Harry Goring; and what reason he could have for believing that we settled a key for such a correspondence, is very extraordinary: nor have the other particulars which he has affirmed, the least foundation of truth; for I do solemnly swear to your lordships, that I never saw Semple in my life, or gave captain Bonin any such letter of recommendation: neither had I ever the honour of speaking to my lord North and Grey, or of being any ways known to his lordship; and that I should mention him so familiarly by the fictitious name of Johnson, (and which, of all names, I should never make use of in that manner) will, I hope, appear very incredible to your lordships; especially since Mr. Caryl himself has furnished so good a reason for the disbelief of it.

For he has likewise affirmed, That my examination before the council was read at doctor Yalden's house: the doctor has indeed already done me justice in that point; and Mr. Tucker (who was all the while in company) will, I am very sure, do the same.

And since Mr. Caryl appears to be so plainly mistaken in this particular, surely he may very well be supposed to be so in all the rest, especially since he has not assigned the least reason for any of them.

As to the rest of the intercepted letters, the people of the several coffee-houses have likewise cleared me from them; and all testify, That they never delivered me any such letters, or received any directions from me about them; which, I hope, will be sufficient to convince your lordships, that I was not concerned in any correspondence, especially since no letters of this kind were found in my possession, or any other papers relating to the conspiracy.

There are two other crimes, in which I most humbly crave your lordships' patience to be heard, because they are the blackest that can be imagined, and seem to be personal.

The first is a letter directed to Mr. Gordon at Bologne, with two affidavits, which have been printed, and are suggested to be sent by my directions, in order to have him and one Birmingham perjure themselves upon my account: ——For in this letter it is said, 'That the inclosed is a copy of a note from the person concerned, with what he thinks requisite.'

My Lords,

This letter is dated the 20th of March, at which time, and for five months before, I never was allowed the use of pen, ink, or paper, or the liberty of seeing any person that could possibly have conveyed such a note for me; for I have been guarded in a different manner from other people in the Tower: my warders were put into the very room with me, and ordered never to stir a moment, night or day, out of it; which orders they punctually obeyed, and were constant witnesses to all my actions.

And those warders will depose, That, they believe, it was impossible for me to have written or sent out any such directions; and the officers, I do not doubt, will do me the same justice.

And when my solicitor was admitted, finding that Mr. Gordon's Affidavit might be of use, if allowed as evidence, a person was immediately dispatched, and who brought it in a different form from those which have been printed. And my solicitor can testify, That no draughts were sent by him; which, with the gross management of the persons concerned in this affair, is, I hope, sufficient to give your lordships the clearest conviction of my innocence in it. And I do solemnly affirm, That I never knew any thing of them; never heard of the name of Akenhead before; nor can I find out any person (besides the master of that vessel) that ever did.

The other crime is get forth in one Levett's deposition in the Report made to this most honourable House: wherein (among a great many other most notorious falshoods) she swears, That one Mrs. Barnes told her, that I was instrumental in, or privy to the shutting up of a person in a dungeon, for fear of his turning informer; and not only of him, but of 200 more upon the same account. Which, I believe, is the most surprising crime that ever yet was alledged against any Christian.

Mrs. Barnes denies every syllable of this conversation; and if the person that swears this against her, had been produced, she would be proved to your lordships, to have been a vile infamous creature all her life. And if she is to be believed, or that your lordships can think it possible there can be the least truth in her deposition, it will be a sin to let me live, and impossible to find out a punishment too cruel for me.

These, my Lords, are the chief crimes which I am charged with; and very great ones they are, had they been in any degree made out against me.

I am a stranger to the methods of legal proof, but have been told by my counsel, That the greater a person's crime is, the clearer the evidence ought to be against him; and how weak and insufficient the proofs produced for this purpose, are, and how clear and convincing those which have been offered in my justification, has, I hope, evidently appeared to your lordships, and given you intire conviction of my innocence; and that all the crimes alledged against me,

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are without the least colour or foundation of truth.

But how much I have suffered for these supposed crimes, and what extraordinary means have been made use of against me, are things much worthier of your lordships' judicial consideration.

To be taken up and held to exorbitant bail, without ever assigning any particular crime against me: to suffer a long and close confinement, where the expence bears no proportion to my circumstances.

To have numbers of people, and some of them creatures of the meanest rank and condition, taken up, examined, and tampered with upon my account; and Newgate sent to for witnesses.

To have a servant (who was turned off for his ill-behaviour) brought as an evidence; and my most intimate friends imprisoned for not swearing against me; are hardships and proceedings, I believe, hitherto unheard of in England; and such as, I hope, your lordships will, in your great wisdom and justice, think fit to redress. All which is of a piece with an infamous offer made to myself by one of the undersecretaries of state, who, the morning after I was first examined, came to me with a message (as he said) from one of his superiors, to let me know, that I had now a very good opportunity of serving myself; and that he was sent to offer me my own conditions.

And when I declared myself an entire stranger to the conspiracy, and was sorry to find that noble lord have so base an opinion of me, he seemed to wonder, that I would neglect so good an occasion of serving myself, especially when I might have any thing I pleased to ask for.

What authority that person had for this message, or the rest of his after-proceedings, I will not pretend to say: but as I have been ruined and utterly undone by them, I hope your lordships will take my sufferings, as well as circumstances, into your consideration; and, instead of inflicting any farther pains or penalties, look upon me (as I really am) a person highly injured, and not a criminal concerned in any transactions against the government.

As for my circumstances, they are but too well known in the world.

And here I cannot omit my gratitude to the late and present constables of the Tower; for the late constable* (though I never had the honour to see his lordship) was, upon a representation of my circumstances, so very good, as to procure me the promise of an allowance from the government; and his lordship, the present, † has been so kind as to get it paid: but the officers of the place can testify, that this allowance has not been converted to any private use of mine, but constantly given to the persons appointed to attend me. And I must take leave to assure your lordships, that it has cost me more since I was sent there, than the government have now left me really worth in the world; and I must suddenly become a sacrifice to my necessities, if not set at liberty by your lordships' great clemency and compassion.

If I have dropped any expressions which may not be so agreeable to some particular persons in power, I could wish that my defence had not laid me under that necessity: and I do solemnly protest, That they have not proceeded from any resentment for my sufferings; but from a sincere endeavour to give your lordships the clearest conviction of my innocence. And since I could not merit their favour, I shall always endeavour to preserve their good opinion.

As to the legality of these proceedings, and the danger of making precedents of this kind, those are things which have been already fully set forth by my council, and must be submitted to the great wisdom and jurisdiction of this most illustrious assembly: an assembly! which is not only the highest and most honourable, but the uprightest and most impartial, I believe, upon earth; and whose justice has ever appeared as extensive as their power.

The great, and, indeed, the only argument which I have heard offered for the passing of this bill, is, That the occasion is extraordinary; that your lordships are in your legislative capacity; and though the proofs may not be so legal, however, *in terrorem*, it is necessary to pass it.

But I humbly beseech your lordships to consider, where the extraordinariness of this occasion lies?——Has there been the least commotion in any part of the three kingdoms? Or any person injured in his liberty or fortune, besides those who have been so unhappy as to fall under this suspicion?

Or, is this occasion more extraordinary than when there was a public insurrection in the kingdom? and when the persons concerned in it, were tried by the common and ordinary courts of justice?

And because your lordships are vested with a supreme authority, and not tied up to the common forms of law, can that be a reason for your acting directly contrary to it? And to suppose your lordships capable of doing so, was not, I must say, so becoming an argument to have been offered upon this occasion.

And to have a session, which opened with so mild, so gracious a speech from the throne, end in such an extraordinary a manner, must surely be very contrary to the design and intention of the throne at that time; and is, I hope, so still; especially, since no intervening accidents have happened to ruffle the quiet and tranquillity of the kingdom.

My Lords,

The first extraordinary Bill that, I believe, ever passed in England was that of the Earl of Strafford; and how much personal prejudice was in his prosecution, and how fatal that Bill proved in its consequences, I need not mention, since the royal martyr himself has, in his

* Charles earl of Carlisle.
† Henry earl of Lincoln.

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dying words, called it, an unjust sentence, and imputed all his misfortunes to it: And,

Pray, my Lords, why was that sentence unjust, but because it was not supported by law? And, to the eternal honour of this House, be it said, That when the proofs upon his trial were not found legal, they refused to find him guilty.

But when this extraordinary method was taken, and the torrent of the times bore down their usual justice, then the flood-gates of all those miseries were opened, which overwhelmed and sunk the constitution: and of which, some of your noble predecessors had so strong and lively a sense, as to declare, in this very House, that they would be sooner torn in pieces, than come into such illegal proceedings; and so fell a sacrifice to the love and laws of their country.

To which I shall only beg leave to add one observation, that, I am sure, is but too well known to that right reverend bench. 'That of 'all the prelates who advised his Majesty to 'the passing of that fatal bill, not one of them 'escaped the violence of those very persons 'whom they endeavoured to oblige by that 'advice.'

These, my Lords, were the unhappy effects and fatal consequences of one extraordinary bill: and what those of another may prove, the great Director of all things only can foresee!

Many are the arguments which might be brought to shew the great injustice, as well as inconveniences of these laws in particular: but as my liberty can be of no great moment to the world, I shall only beseech your lordships, not through me, to give a wound to the constitution, which, perhaps, may not so easily be cured.

The great characteristic which distinguishes England from the rest of the neighbouring nations, is, the excellency of her laws, of which your lordships are the great guardians: and if you suffer those laws to be broke in upon, and render life or liberty so precarious, as to be affected or taken away, by every idle hearsay, that excellency must soon disappear, and the best form of government now upon earth, consequently sink into anarchy and confusion.

My Lords,

The words of my bill are very severe, and do not bear the least proportion to the proofs which have been produced against me: and I humbly hope, that my past sufferings will be looked upon as a sufficient punishment; especially since it is not pretended, that I have transgressed any law yet in being.

I propose no great happiness in this life, and would willingly avoid as much misery as I could; and must therefore humbly beseech your lordships, to look upon me as a stranger in your kingdom, and a person, as I really am, inconsiderable in myself; and consequently, incapable of doing the least prejudice to any government.

For my behaviour, I am willing to give the best sureties that I am able: but if that be not approved of, I hope your lordships will give me leave to retire to some other part of the world, where I may enjoy my poverty with freedom.

But, let my fate be what it will, I shall ever pray for your lordships' particular welfare, as well as the general prosperity of the kingdom.

And so resign myself, with the utmost humility, to your lordships' great clemency, justice, and compassion.

It being near twelve at night when Mr. Kelly had done speaking, the farther proceedings on his Trial was adjourned to the next day, when the Bill against him being read the third time, the lord Bathurst offered a Rider to be added to the said Bill, which was read by the clerk as follows, viz.

'Provided always, that if the said George 'Kelly, alias Johnson, shall, at any time, give 'security, such as shall be approved of by the 'two Chief Justices, That he will, within one 'month, depart his Majesty's dominions, and 'not return again without the licence of his 'Majesty, his heirs and successors, then the 'said George Kelly, alias Johnson, shall be at 'liberty to depart, any thing in this act to the 'contrary notwithstanding.'

And a motion being made and the question put, whether the said Rider should be read a second time, it was carried in the negative by 83 voices against 38; upon which the following Peers entered their Dissent, viz. Osborn, Anglesea, Craven, Guilford, Stawell, Northampton, Middleton, Gower, Fran. Cestriens', Scarsdale, Trevor, Bathurst, Strafford, Aylesford, Salisbury, Poulet, Bruce, Ashburnham, Dartmouth, Masham, Weston, Hay, Brook, Litchfield, Foley, Exeter, Berkeley de Stratton, Compton, Uxbridge, Arundel, Cardigan, Montjoy, Willoughby de Broke, Bingley.

The Bill against Kelly passed.] Then the question being put, That the Bill do pass, it was resolved in the affirmative by 79 against 41.

Protest against it.]

"Dissentient'

1. "Because, we think, there is no reason for the legislature to pass a law, *ex post facto*, to punish this person for the treasonable correspondence he is guilty of; he being in custody, and may be brought to a legal trial in one of the courts of justice.

2. "We conceive the want or defect of such clear and plain evidence as, by the laws of this kingdom, is required to convict any person of high treason, no sufficient reason to warrant the exercise of the legislative power in making a new law for his punishment; because such laws being made for the protection of innocent persons, from suffering by false, uncertain or doubtful evidence, every subject is intitled to the benefit of those laws, when he shall fall under an accusation of high treason.

3. "Because, as we conceive, by the rules of natural justice, laws ought to be first made,

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as directions for men's actions and obedience, and punishment inflicted for putting those laws in execution against offenders; and that therefore punishing by a law, made after the offence committed, is not agreeable to reason or justice, except only in the case of real and apparent necessity to prevent the immediate ruin of a government, which we do not think to be the present case, or can bear any resemblance to it.

4. "Because the proceedings of the legislative power, in making laws, can be governed by no rule but that of their own discretion and pleasure; and therefore the making laws to inflict pains and penalties on particular persons must, as we conceive, tend to expose the lives, liberties and properties of the subjects to an arbitrary discretion; and consequently render them precarious in the enjoyment of those blessings, which by our excellent constitution and government they have always had an uncontroulable right to hold and enjoy, till forfeited for some crime, and the person offending legally convicted thereof, upon such full and positive proof as the laws of this kingdom do require.

5. "Because as we conceive it would be of dangerous consequence to the safety of innocent persons to allow copies of letters taken by the clerks of the Post Office, though sworn by them to be true copies, to be given in evidence against any person accused of high-treason, especially when such copies are not compared with the originals after they were taken, and the original letters forwarded on by them are not produced, because the originals not being produced, such person is deprived of an opportunity of falsifying those copies; and though there should be any mistake committed by the clerk in copying, whether wilfully or by negligence, such mistake cannot be detected for want of the original writings to compare the copies with.

6. "Because the proof of letters or other writings in criminal prosecutions, by similitude and comparison of hands, being, as we conceive, a very slight and weak evidence, because hands may be too easily counterfeited, and the persons examined cannot speak positively, but to their belief, and therefore not liable to be prosecuted for perjury, hath, as we conceive, very justly been discouraged in such times, when the administration of justice hath been most impartial; and convictions of high-treason, grounded on such evidence, have been reversed, by act of parliament, for that and other reasons.——(*Signed*), Pomfret, Fr. Cestriens', Strafford, Middleton, Aylesford, Bathurst, Litchfield, Weston, Salisbury, Brooke, Hay, Willoughby de Broke, Ashburnham, Osborn, Compton, Bruce, Trevor, Cardigan, Exeter, Stawell, Anglesea, Gower, Masham, Bingley, Uxbridge, Berkeley de Stratton, Scarsdale, Denbigh, Wharton, Northampton, Craven, Guilford, Poulett, Dartmouth, Foley, Montjoy, Tadcaster, Arundel."

PROCEEDINGS AGAINST THE BISHOP OF ROCHESTER.] May 6. The bishop of Rochester was brought to the bar of the House of Lords, to make his defence against the bill, 'To inflict certain pains and penalties upon him,' with the assistance of his counsel, sir Constantine Phipps and Mr. Wynne. After the reading of the Bill, the king's counsel opened the nature of it, displayed the heinousness of the late horrid and execrable conspiracy, and, in particular, aggravated the crime of the prisoner at the bar, who, as the preamble suggested, 'was principally concerned in forming, directing, and carrying on the said wicked and detestable Plot.'

This done, in order to prove the Conspiracy in general, they offered to read several Extracts of Letters, which the government had received from abroad: but this was opposed by the Bishop and his counsel, who alledged, 'That Extracts of Letters, some of them from anonymous, at least, from unknown persons, ought not to be admitted as evidence, and that, according to the method of legal proceedings, the originals themselves ought to be produced.

After the counsel on both sides had canvassed the matter, they and the prisoner were ordered to withdraw; and then a motion was made, and the question put, That the Extract of the Letter from sir Luke Schaub to the lord Carteret, offered by the counsel for the bill, be read as evidence, which being carried in the affirmative by 95 voices against 37, another motion was made and the question put, Whether the advice inclosed in the letter from sir Luke Schaub be read, though this House be not acquainted with the person who gave that advice.

This question being also resolved in the affirmative, the following lords entered their dissent, viz. Strafford, Osborne, Craven, Salisbury, Northampton, Scarsdale, Aylesford, Gower, Powlet, Fr. Cestrien', Masham, Anglesea, Cowper, Brook, Litchfield, Bruce, Denbigh, Guilford, Dartmouth, Trevor, Foley, Exeter, Montjoy, Weston, Willoughby de Broke, Compton, Cardigan, Bingley, Ashburnham.

Then the Counsel for the Bill offered to produce copies of letters intercepted at the Post Office, part of them written in cypher, and afterwards decyphered; but the same was strenuously opposed by the Bishop and his counsel, who put several puzzling questions to Mr. Willis, one of the decypherers, about the nature and certainty of their art. This lasted till about nine in the evening, when the prisoner and the counsel on both sides being withdrawn, a motion was made, and the question put, That Mr. Willis be obliged to produce his key of the cypher: this question being resolved in the negative, by 80 voices against 43, another motion was made, and the question put, That the said Letters intercepted at the Post Office and decyphered, be read as evidence, which was carried in the affirmative, and then the further hearing of that affair was put off to

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the next day, and the Bishop remanded to the Tower.

May 7. The bishop was brought again to the bar, where the counsel for the Bill, going on with their Evidence, offered to read the Examinations and Confessions of Philip Neynoe, deceased. This was strongly opposed by the bishop and his counsel, but most of their objections having been already over-ruled in the cases of Plunket and Kelly, and the lord Townshend having affirmed, and Mr. Robert Walpole* attested the said examinations, it was resolved, by a majority of 85 voices against 41, that they should be admitted as evidence; upon which the said examinations were read. Then the counsel for the Bill offered to read several letters intercepted at the post-office: Upon which the bishop desired and insisted, That the clerks of the post-office be examined to these two questions. 1. Whether they had a sufficient warrant and authority to stop and open the said letters, and from whom they had such authority? 2. Whether the clerks of the post-office who copied the letters, whose originals had been forwarded, had intercepted the said letters themselves, or received them from some body else?

Resolution to suffer no farther Inquiry into the Secretary of State's Warrants for intercepting Letters.] The bishop and the counsel on both sides being withdrawn, the following question was put, "That it is inconsistent with the public safety, as well as unnecessary for the prisoner's Defence, to suffer any farther inquiry to be made upon this occasion into the Warrants, which have been granted by the Secretaries of State, for stopping and opening of Letters which should come or go by the post, or into the methods, that have been taken by the proper officers at the post-office, in obedience to such Warrants."

Protest against the said Resolution.] After a debate, that lasted till near eleven at night, it was carried in the affirmative, by 82 voices against 40.

"Dissentient'

1. "We humbly apprehend, that in all criminal prosecutions, the cross-examining of witnesses is necessary for the defence of the prisoner, and for the satisfaction of those who are to judge of the facts alledged against him, in order to the discovering of truth, and detecting any fraudulent evidence which should be offered; and the resolution above recited does,

* "A remarkable event happened at this time, 1722, which contributed very much to the fixing Mr. Walpole's interest and power then with the king, and manifesting fresh proofs of his abilities and usefulness as a minister. It was the management of a discovery made by the regent of France to the government here of a Plot in favour of the Pretender, formed and carried on principally by Atterbury, bishop of Rochester, a man of great parts, and of a most restless and turbulent spirit, daring and enterprizing, though then very infirm, and capable of any artifice; but proud and passionate, and not of judgment enough for the undertakings he engaged in. His views were not only to be the first churchman, but the first man also in the state, not less than Wolsey, whom he admired and thought to imitate; and found he could only succeed in this, by the merit of his overturning the present government, and advancing that of the Pretender in its stead. He had been long projecting this revolution; but went now upon the foundation of the discontents in the kingdom, arising from the South Sea transactions in the year 20, which were still fresh in minds and hearts of the people, especially the sufferers, many of whom imputed their losses to the government, as designing by a fraud to deprive them of their property, and propagated this notion, with too much success, among the people in general.

"When this intimation was given from the Regent (who, it was said, did it on condition that no one should die for it) the difficulty of getting to the bottom and fixing the evidence of it still remained; but when that was effected, in a great measure by Mr. Walpole's dexterity, who had the chief part in unravelling this dark mystery, the prosecution was as difficult to manage as the other, from the want, in most of the cases, of legal proofs to convict the criminals at law, and from the necessity not to let them go without some degree of punishment that might be a security to the government against the like attempts for the future, and worthy of the notice the government had taken of this. This he also undertook and carried through in Parliament with great skill and clearness, and made it serve another purpose too, he always aimed at, the setting the Whigs against the Tories as Jacobites, which all of them gave too much handle for on this and many other occasions, and making therefore combinations between them and any body of Whigs to be impracticable: and it had that effect for some time. In the proceedings in the House of Lords against the bishop, he appeared as a witness for the government to some things which had been solemnly denied by the other; the bishop used all the art his guilt would admit of, to perplex and make Mr. Walpole contradict himself, but he was too hard for the bishop upon every turn, although a greater trial of skill this way, scarce ever happened between two such combatants. The one fighting for his reputation, the other for his acquittal. The expectation of people in it, as they were differently inclined to the parties, and the cause and the solemnity of it from the place and the audience it was in, made it look like a listed field for a combat of another sort, and the joy of victory as great as there. To say the truth, the bishop sunk under the weight of his guilt, and indeed the whole of his Defence, as made by himself, was not adequate to his real abilities." Speaker Onslow's Remarks on various parts of sir Robert Walpole's Conduct.—Coxe's Walpole, vol. 2. p. 553.

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in our opinions, debar the bishop of Rochester, and every other person concerned, from asking any questions of the clerks of the post-office, who are brought as witnesses to the bar, relating to the stopping and opening the post-letters, though letters pretended to be stopped and opened at the post-office are read as evidence against the prisoner; and we conceive, that the preventing any farther inquiry on these heads must lay this House under great difficulties, when they come to form a judgment on those letters, the validity of which will, in a great measure, depend on the proof given of their having been truly stopped and opened as asserted.

2. "We apprehend it to be impossible for this House to determine, that the inquiry which is desired is unnecessary to the defence of the prisoner, till he shall come to make the application; and, we conceive, he should have the liberty of asking what questions he or his counsel think proper of the clerks of the Post-office, relating to the stopping and opening of letters, without acquainting the House what use he intends to make of their answers; and this appears to us to be highly reasonable, essential to justice, and warranted by the methods which this House has hitherto allowed the counsel for the support of the Bill to proceed in, who have, during the whole course of this examination, reserved the application of the evidence they have offered till they should judge convenient to make it.—*(Signed,)* Northampton, Foley, Ashburnham, Litchfield, Exeter. Brooke, Aylesford, Fran. Cestriens', Uxbridge, Denbigh, Strafford, Poulett, Compton, Bruce, Craven, Bingley, Pomfret, Trevor, Hay, Weston, Wharton, Willoughby de Broke, Scarsdale, Anglesea, Bathurst, Masham, Osborne, Gower, Mountjoy, Cardigan."

Farther Proceedings against the Bishop of Rochester.] May 8. The bishop of Rochester being brought again to the bar, the counsel for the Bill went on with the rest of their evidence. In this day's proceeding William Wood, late coachman to the bishop, being produced as a witness, the Bishop asked him, what reward he had received, or been promised, to depose against his master? Which being represented as a brow-beating of the King's evidence, the Lord Chancellor reprimanded the prisoner for it. The counsel for the Bill, having summed up their evidence about four in the afternoon, the lords adjourned to the next day.

May 9. The House being sat, and the Bishop brought to the bar, his Counsel made some remarks on the Evidence produced on the other side, and opened the evidence they had to offer in defence of their client. Their chief business being to invalidate Neynoe's examinations, on which great stress was laid by the counsel for the Bill, they observed, "That what he pretended to know of the bishop of Rochester was only by hearsay from Mr. George Kelly: But that as hearsay was never admitted as legal proof, much less ought it to have any weight in this case, where a dead man's (Neynoe) hearsay was denied, and contradicted by Kelly now alive; That Neynoe's examinations were neither sworn to, nor signed by him; but, were he still living, and offered to confirm them by oath, they could hardly be of any force, since they were ready to prove, that he was drawn in to say and unsay, and to affirm or deny any thing." To this purpose they offered to examine three witnesses, viz. Mr. Bingley, Mr. Skeene, and Mr. Stewart, who were in the custody of a state messenger at the same time with Neynoe, and had an opportunity to converse or to communicate together; but before they entered upon that examination, the bishop taking notice that Mr. Walpole was at the bar, said, It was not proper he should hear depositions that affected him: Hereupon Mr. Walpole withdrew.

Mr. *Bingley* being sworn, related what he knew concerning Philip Neynoe, with whom he had a great intimacy, and was stopt with him at Deal, as they endeavoured to go over into France; particularly, "That Neynoe having been taken up some time before, upon account of several scurrilous libels he had writ against the government, and published in the Freeholders Journal, and being under an apprehension of being treated with the utmost severity of the law on the one hand, and tempted with large promises of reward on the other, he consented to be employed by the ministers, and to accuse the earl of Orrery, the bishop of Rochester, and several other innocent persons, of having formed a conspiracy against the government; that the lord Townshend declared a prejudice, upon some private account, to the Bishop, and was resolved to pull down the pride of that haughty prelate: That Mr. Walpole instructed him (Neynoe) in private, what he should say in his examinations before the lords of the council, and, at divers times gave him great sums of money: That Neynoe, who all this while had nothing in view, but to impose on those who obliged him to act so villainous a part, and to get out of their reach, proposed to the ministers his going over to France, in order to gain farther intelligence of the conspiracy, by narrowly observing the steps of the earl of Mar, lord Lansdowne, and other persons suspected of being agents for the Pretender in France; That Mr. Walpole seemed at first to approve this overture, but, whatever was the reason, he afterwards changed his opinion, and suspecting Neynoe's true intention was to cheat him, and give him the slip, he caused him to be watched, and stopt at Deal.

This deponent (Mr. Bingley) added, "That he himself had been tampered with, and offered a reward of 300*l.* if he would turn evidence against the bishop of Rochester, which he refused to do.

The Lord Viscount *Townshend*, who, as well as Mr. Walpole, was charged by this deposition,

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in his own vindication observed, That no regard ought to be had to the evidence of a notorious and zealous Jacobite, who had been convicted, whipt, pilloried, and imprisoned at Dublin, upon two Indictments, one for publishing a treasonable Book called 'Nero,' the other for speaking treasonable words, and this after having taken the oaths to the government: all which, in his opinion, made him a less credible witness in the present case, than if he had, in a common trial, been proved a perjured witness.

Mr. *Skeene* confirmed, upon oath, a great part of Mr. Bingley's deposition, adding, That Neynoe, pursuant to his instructions from the minister who employed him, had proposed to him to be evidence against the lord Orrery and the bishop of Rochester; but that having rejected his proposals, he confessed to him and Mr. Stewart, that all he had done was only to amuse the ministers till he could get out of their power, but that he had rather be torn in pieces by wild horses, than be an evidence, and confirm by oath, before a court of judicature, what he had been obliged to say before the lords of the council; that being one day in private with the minister abovementioned, he was struck with such remorse and indignation at the infamous part he forced him to act, that he was upon the point of seizing on a sword that lay on the table, and running him through, in order to put an end to the conspiracy. And that this deponent having asked Neynoe, Whether he knew any thing of a plot? He answered, that he knew of two, one of Mr. Walpole's against some great men, the other of his own, which was only to get eighteen or twenty thousand pounds from Mr. Walpole: and whatever became of the first, he doubted not but he would have brought the other to bear, had he once set foot on the French shore, and had not Bingley's blundering marred all. Moreover Mr. Skeene endeavoured wholly to destroy captain Pancier's deposition, by saying, 'That he never told him any thing, but what he had himself out of the public news-papers.'

Mr. *Stewart* being also examined upon oath, confirmed what had been deposed by Mr. Bingley and Mr. Skeene, adding, 'That Neynoe had endeavoured to engage him to turn evidence against the earl of Orrery, which he refused to do, having never spoke but once with his lordship, to whom he was introduced by a gentleman, upon occasion of some books which he was to get for him.'

Most of these particulars were confirmed by Corbet Kynaston, esq. who deposed, 'That he had them from Mr. Bingley, Mr. Skeene, and Mr. Stewart, before Mr. Neynoe was drowned.'

This being over, the counsel for the Bishop laboured to clear him from the most material part of the charge against him, viz. 'That he did dictate to Mr. George Kelly the three letters, dated April 20, 1722, to general Dillon, the late earl of Mar, and the Pretender;' suggesting, 'That it could not be possible he should, at that time, dictate those letters, being disabled in his chamber, and constantly attended by some of his servants, who were examined and deposed, that no stranger came near him about that time, and for some time before and after; and that they never knew of Mr. Kelly's being the bishop's secretary, or being intimate with him, which, had he been so, could not have escaped their knowledge.' The counsel for the bishop read also an affidavit from Mr. Gordon, banker at Bologne, importing, 'That he never received nor forwarded any packets from Mr. George Kelly, nor ever had any dealings or correspondence with him:' and they likewise examined witnesses, and, among the rest, Erasmus Lewis, esq. to prove how easily hand-writing may be counterfeited.

These Examinations having lasted till eleven at night, the Lords adjourned to next morning, when the bishop's counsel endeavoured to take off the testimony of Mr. Radick an engraver, who having been produced and examined by the council for the Bill, had sworn to the similitude of the seal of a letter found among the bishop's papers, with the seals of some of the intercepted letters: in opposition to which Mr. Johnson, and some other eminent engravers gave their opinions upon oath, "That a seal may as easily be counterfeited as writing, or which is the same, that a seal engraved from the impression of another seal may be so perfect, as to render it impossible to distinguish the impression of the original, from that of the counterfeit:" an experiment of which was made by a lord, who produced impressions of two different seals, so exactly like one another, that one of the engravers was deceived by them, and judged them to be of one and the same seal. This affair occasioned great debates till four in the afternoon, when the Lords adjourned during pleasure.

The House being resumed, the bishop of Rochester examined Witnesses to falsify the Deposition of John Lawson, baker at Bromley, who, very critically, swore to all the days and times the Bishop went to and from London and Bromley from the 1st of April to the 20th of August 1722. And further deposed, That he was told by James Day and Thomas Farnden, two servants of the Bishop, that he had a fit of the gout, which lasted all or most part of the time between his going to Bromley, next before his lady's death, and his coming to town after she was buried; and that the said Thomas Farnden also told him, that among those who frequented the said Bishop at Bromley last summer, were the lord North and Grey, who came very often, the lord Bathurst, sir Constantine Phipps, Mr. Aldridge a clergyman, and Mr. Wynne, a counsellor. Among the rest, the helper to William Wood, the Bishop's late coachman, deposed, That he had been kept in close custody for above two months, he knew not for what.——Being asked if ever he saw Mr. Kelly alias Johnson, at the Bishop's house in town, or at Bromley, he answered in the negative: adding, That if he had been there, he could not have missed seeing, or

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hearing of him, because he always was about the house and stables, and as he conversed with all the other servants, so he knew of all the comers and goers. And that when he was at Bromley, one Lawson a baker, came to him, and offered him a reward of 200*l.* (one half in hand) if he would turn evidence against the Bishop, and swear that Mr. Kelly, lord North and Grey, and some other lords and gentlemen whom he should name to him, often came to the Bishop's house at Bromley: Which proposal he rejected with scorn. This was partly confirmed by two or three more of the Bishop's servants, and other witnesses, whose examinations having lasted till nine in the evening, the Lords adjourned to the next day*.

THE BISHOP OF ROCHESTER'S DEFENCE AT THE BAR OF THE HOUSE OF LORDS.] **May 11.** The Bishop being again brought to the bar, sir Constantine Phipps made a recapitulation of the Evidence for his client, which was enlarged upon by Mr. Wynne, who, at the same time, made some nice observations on the evidence given for the Bill: which being over,

The Bishop spoke in his own Defence, as follows:

My Lords,

I have been under a very long and close confinement, and have been treated with such severity, and so great indignity, as I believe no prisoner in the Tower of my age, and function,

* "In 1723, Pope appeared before the Lords at the memorable trial of bishop Atterbury, with whom he had lived in great familiarity, and frequent correspondence. Atterbury had honestly recommended to him the study of the Popish controversy, in hope of his conversion; to which Pope answered in a manner that cannot much recommend his principles, or his judgment. In questions and projects of learning they agreed better. He was called at the trial to give an account of Atterbury's domestic life, and private employment, that it might appear how little time he had left for plots. Pope had but few words to utter, and in those few he made several blunders. His letters to Atterbury express the utmost esteem, tenderness, and gratitude: 'Perhaps,' says he, 'it is not only in this world that I may 'have cause to remember the bishop of Roches-'ter.' At their last interview in the Tower, Atterbury presented him with a Bible." Dr. Johnson.

While Atterbury was in the Tower the following Correspondence took place between the Bishop and Mr. Pope:

The Bishop of ROCHESTER to Mr. POPE.

"Dear Sir, The Tower, April 10, 1723.

"I thank you for all the instances of your friendship, both before and since my misfortunes. A little time will compleat them, and separate you and me for ever. But in what part of the world soever I am, I will live mindful of your sincere kindness to me; and will please myself with the thought, that I still live in your esteem and affection, as much as ever I did; and that no accidents of life, no distance of time or place, will alter you in that respect. It never can me; who have loved and valued you ever since I knew you, and shall not fail to do it when I am not allowed to tell you so; as the case will soon be. Give my faithful services to Dr. Arbuthnot, and thanks for what he sent me, which was much to the purpose, if any thing can be said to be to the purpose in a case that is already determined. Let him know my defence will be such, that neither my friends need blush for me, nor will my enemies have great occasion of triumph, though sure of the victory. I shall want his advice before I go abroad, in many things. But I question whether I shall be permitted to see him, or any body, but such as are absolutely necessary towards the dispatch of my private affairs. If so, God bless you both! and may no part of the ill fortune that attends me, ever pursue either of you! I know not but I may call upon you at my hearing, to say somewhat about my way of spending my time at the deanry, which did not seem calculated towards managing plots and conspiracies. But of that I shall consider.——You and I have spent many hours together upon much pleasanter subjects; and, that I may preserve the old custom, I shall not part with you now till I have closed this letter with three lines of Milton, which you will I know readily and not without some degree of concern apply to your ever affectionate, &c.

FR. ROFFEN."

'Some natural tears he dropt, but wip'd them 'soon:
'The world was all before him, where to chuse
'His place of rest, and Providence his guide.'

Mr. POPE to the Bishop of ROCHESTER.

April 20, 1723.

"It is not possible to express what I think, and what I feel; only this, that I have thought and felt for nothing but you, for some time past, and shall think of nothing so long for the time to come. The greatest comfort I had was an intention (which I would have made practicable) to have attended you in your journey, to which I had brought that person to consent, who only could have hindered me, by a tie which, though it may be more tender, I do not think more strong, than that of friendship. But I fear there will be no way left me to tell you this great truth, that I remember you, that I love you, that I am grateful to you, that I entirely esteem and value you: no way but that one, which needs no open warrant to authorize it or secret conveyance to secure it; which no bills can preclude, and no kings prevent; a way that can reach to any part of the world where you may be, where the very whisper or even the wish of a friend must not be heard, or even suspected: by this way, I dare

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and rank, ever was. By which means, what strength and use of my limbs I had when I was first committed in August last, is now so far declined, that I am very unfit to make my defence against a Bill of such an extraordinary nature.

The great weakness of body and mind under which I labour, such usage, such hardships, such insults as I have undergone, might have broken a more resolute spirit, and much stronger constitution than falls to my share. Your lordships were pleased to permit me to appear before the House of Commons, if I thought fit, lest that should be turned to my disadvantage, as, in fact, the counsel for the bill have done their utmost towards it.

I should not have thought to decline any occasion of justifying myself; but I beg leave to tell your lordships some of the reasons why I did not appear there, and make use of the leave your lordships gave me.

After seven months of close imprisonment, I was not a little surprised when I heard it was thus resolved, by the House of Commons, March 11. 'That it appears to this House, 'that Francis, Lord Bishop of Rochester, was 'principally concerned in forming, directing, 'and carrying on a detestable conspiracy, '&c.'

Upon duly weighing which resolution, and the copy of the bill, I found not any thing charged in the bill, but what was fully con-

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tell my esteem and affection of you to your enemies in the gates; and you, and they, and their sons, may hear of it.

"You prove yourself, my lord, to know me for the friend I am; in judging that the manner of your defence, and your reputation by it, is a point of the highest concern to me; and assuring me it shall be such, that none of your friends shall blush for you. Let me further prompt you to do yourself the best and most lasting justice: the instruments of your fame to posterity will be in your own hands. May it not be, that Providence has appointed you to some great and useful work, and calls you to it this severe way? you may more eminently and more effectually serve the public even now, than in the stations you have so honourably filled. Think of Tully, Bacon, and Clarendon: is it not the latter, the disgraced part of their lives, which you most envy, and which you would choose to have lived?

"I am tenderly sensible of the wish you express, that no part of your misfortune may pursue me. But God knows I am every day less and less fond of my native country (so torn as it is by party rage), and begin to consider a friend in exile as a friend in death; one gone before, where I am not unwilling nor unprepared to follow after; and where (however various or uncertain the roads and voyages of another world may be) I cannot but entertain a pleasing hope that we may meet again.

"I faithfully assure you, that in the mean time there is no one, living or dead, of whom I shall think oftener or better than of you. I shall look upon you as in a state between both, in which you will have from me all the passions and warm wishes that can attend the living, and all the respect and tender sense of loss that we feel for the dead. And I shall ever depend upon your constant friendship, kind memory, and good offices, though I were never to see or hear the effects of them: like the trust we have in benevolent spirits, who, though we never see or hear them, we think are constantly serving us, praying for us.

"Whenever I am wishing to write to you, I shall conclude you are intentionally doing so to me. And every time that I think of you, I will believe you are thinking of me. I never shall suffer to be forgotten (nay to be but faintly remembered) the honour, the pleasure, the pride I must ever have, in reflecting how frequently you have delighted me, how kindly you have distinguished me, how cordially you have advised me! In conversation, in study, I shall always want you and wish for you: in my most lively, and in my most thoughtful hours, I shall equally bear about me the impressions of you; and perhaps it will not be in this life only, that I shall have cause to remember and acknowledge the friendship of the Bishop of Rochester. I am, &c. A. POPE."

Mr. POPE to the Bishop of ROCHESTER.

[May,] 1723.

"Once more I write to you as I promised, and this once I fear will be the last! The curtain will soon be drawn between my friend and me, and nothing left but to wish you a long good night. May you enjoy a state of repose in this life, not unlike that sleep of the soul which some have believed is to succeed it, where we lie utterly forgetful of that world from which we are gone, and ripening for that to which we are to go. If you retain any memory of the past, let it only image to you what has pleased you best; sometimes present a dream of an absent friend, or bring you back an agreeable conversation. But, upon the whole, I hope you will think less of the time past than of the future; as the former has been less kind to you than the latter infallibly will be. Do not envy the world your studies; they will tend to the benefit of men against whom you can have no complaint, I mean of all posterity: and perhaps, at your time of life, nothing else is worth your care. What is every year of a wise man's life but a censure or critique on the past? Those whose date is the shortest, live long enough to laugh at one half of it: the boy despises the infant, the man the boy, the philosopher both, and the Christian all. You may now begin to think your manhood was too much a puerility; and you will never suffer your age to be but a second infancy. The toys and baubles of your childhood are hardly now more below you, than those toys of our riper and of our declining years, the drums and rat-

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tained and previously resolved in this vote, and therefore whatsoever should have been offered on my behalf to that House, would have been an express contradiction to it. And what hopes I could have of success in such an attempt, I need not say; what they sent me, was the preamble of the bill only, which they could not alter, consistent with what they had resolved.

The bill itself was to inflict pains and penalties, which followed, but there was no room to object against any of those which they had not then declared; they have since been added, and sent up to your lordships in like manner, without any oath made, or any criminal act proved against me by any living witness. And is a person, thus sentenced below, to be deprived of all his preferment, and his very function, and to be a perpetual exile, and to be rendered incapable of any office and employment? to be one whom no man must correspond with by letters, messages, or otherwise? And, my Lords, one who is a bishop of the church of England, and a lord of Parliament?

It is the first instance wherein a member of this House hath been so treated and prejudged, and (as I have once before said to your lordships, I pray God it may be the last, and that such precedents in this kingdom may not be multiplied in after-times.

My counsel have amply done their part, by arguing the points of law, by explaining and enforcing the evidence, and shewing the little colour, appearance, and shadow of proofs against me, (permit me to call them so) by answering what hath been offered against me, and by setting out the consequence which such a bill, founded and carried on in such a manner, and which enacts such severe penalties, must and will be attended with.

Yet it becomes me to say something for myself, lest my silence be construed consciousness of guilt, or at least an unwillingness to enter into matters of so dark and perplexed, so nice and tender a nature, as if I was not able, or did not care to clear and explain myself, and rather chose to leave it to the management of others: I thank God I am under no such restraint, and can speak to your lordships on this subject with great freedom and plainness.

But before I proceed, I beg leave that I may represent to your lordships some particular hardships under which I have laboured:

My Lords,

The first is reading extracts of anonymous letters, without suffering any other parts of the same letters, though relating to the same subject, to be read.——Another is, excusing the decypherers from answering questions asked by

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tles of ambition, and the dirt and bubbles of avarice. At this time, when you are cut off from a little society, and made a citizen of the world at large, you should bend your talents not to serve a party, or a few, but all mankind. Your genius should mount above that mist in which its participation and neighbourhood with earth long involved it; to shine abroad and to heaven, ought to be the business and the glory of your present situation. Remember it was at such a time, that the greatest lights of antiquity dazzled and blazed the most, in their retreat, in their exile, or in their death: but why do I talk of dazzling or blazing? it was then that they did good, that they gave light, and that they became guides to mankind.

"Those aims alone are worthy of spirits truly great, and such I therefore hope will be yours. Resentment indeed may remain, perhaps cannot be quite extinguished, in the noblest minds; but revenge never will harbour there: higher principles than those of the first, and better principles than those of the latter, will infallibly influence men, whose thoughts and whose hearts are enlarged, and cause them to prefer the whole to any part of mankind, especially to so small a part as one's single self.

"Believe me, my lord, I look upon you as a spirit entered into another life, as one just upon the edge of immortality; where the passions and affections must be much more exalted, and where you ought to despise all little views, and all mean retrospects. Nothing is worth your looking back; and therefore look forward, and make (as you can) the world look after you. But take care that it be not with pity, but with esteem and admiration.

"I am, with the greatest sincerity, and passion for your fame as well as happiness, your, &c. A. POPE."

"Notwithstanding this, Mr. Pope was convinced before the bishop's death, that during his banishment he was in the intrigues of the Pretender: though, when he took his leave of Mr. Pope, he told him, 'he would allow him 'to say his sentence was just, if he ever found 'he had any concerns with that family in 'exile.'" Warburton.

At their last interview in the Tower, Atterbury presented Pope with a Bible. For a singular anecdote respecting this Bible, see Pope's Works, vol. 8, p. 153, Bowles's Edition 1806. "Pope presented this Bible to his friend Ralph Allen, of Prior Park. It is now in the possession of the Dowager Lady Hawarden, to whose late husband it descended on his marriage with a coheiress of Mr. Allen. In the blank leaf at the beginning is the following Inscription, in the hand-writing of Pope:

Franciscus Episcopus Roffensis,
Vir admodum venerandus et amicissimus,
Alexandro Pope dono dedit,
Jun. 17, 1723, Anno Exilii 1°.
Cape dona extrema tuorum
Obiit vir venerandus Lutetiis
Mense Februario, Anno Domini 1731-2.
Exilio 8°, Ætatis 71°.

Mar. 30, 1739.

A. Pope, Radulpho Allen, viro de se
Atque omnibus hominibus bene merito
In usum sæculi sui Widcombiensis
Dedit."

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me, and which I thought necessary for my defence, lest they should reveal their art.——The next is, not suffering me to be answered by the clerks of the post office, lest the secrets of that office should be discovered. Another, was not suffering a person, who had been at least ten years out of the secretary's office, to answer any questions which came to his knowledge by being some years in that office.

Another, is reading examinations neither dated, signed, or sworn to.

Another, is reading letters supposed to be criminal, writ in another man's hand, and supposed to be dictated by me, without offering any proof, that I either dictated them, or was privy to them.

Another, is not allowing me copies of the decyphered letters, though petitioned for, till the trial was so far advanced, and I so employed and weakened by it, that I had not sufficient time to consider them. Another, is not allowing me to read out of the collection of papers before the House any part of them, in order to discharge myself, but what hath been read by clerks.——And all this in a proceeding where the counsel for the bill profess they have no legal evidence, and that they are not to be confined to the rules of any court of law or equity, though as often as it is for their service, they constantly shelter themselves under it.

My Lords, these are the hardships which I previously mention, and humbly lay before your lordships.

By your lordships' leave, I proceed now to make that defence, as well as I am able to make it in the condition of health I am now in, humbly praying your lordships, if I find myself in any degree sinking under it, that you will indulge me, and allow me a little time to go on. The general charge of the bill, is, That I have been deeply concerned in forming, directing, and carrying on a wicked and detestable conspiracy, and was a principal actor therein.

The Charge is divided into two heads:

First, That I traitorously consulted and corresponded with divers persons, to raise an insurrection, &c. in this kingdom, to procure foreign forces to invade it, &c.

Secondly, That I traitorously corresponded with the same intent with persons employed, &c. But neither part of this charge hath been made good by the counsel for the bill, nor have they proved nor attempted to prove me at one consultation, nor is there any thing tends towards such a proof, except the exploded story of the Burford club, and two or three hearsay informations which were mentioned of my lord Strafford and others (see p. 225.) as concerned in the management of this affair. I have met all these lords, I own it, but at different times, and upon the best recollection I can make, I never was in all my life with any three of them at once, unless perhaps about some general matters or affairs depending in Parliament. The earl of Strafford hath visited me, and I have, when in health, dined with him once at his house. At my lord North's table I have not eat; though I have great honour for him, yet I never had any intimacy with him, especially since the affair of the Dormitory, wherein he appeared so against me, that I certainly had lost the cause had not his affairs called him to Holland.

Lawson hath sworn, that this lord did often visit me at Bromley, but in truth he never was there above twice or thrice in all his life-time.

I have not been once these two years with lord Orrery on any business whatsoever; we twice dined together at the house of a person, whose name if I should mention, your lordships would not think there was any harm at all in dining there. Sir Harry Goring I never saw in all my life, till he saw me at St. James's, and he was but once at Bromley; and the occasion of his coming to me, was his placing four sons at Westminster school, and intending to breed up some of them to the gospel: The last time I saw sir Harry Goring, was about twelve months ago, when I promised to bring down one of his sons to be upon the foundation; and I shall be sorry if I cannot be as good as my word.

Your lordships will excuse me for being so particular, when you consider how dangerous the charge is, and how fit it is to clear the persons charged, from such mischievous correspondence; especially since it is with these, and with these only that I have been speaking of, it is insinuated that I have consultations, to forward the conspiracy.

The first is an intent, and indeed a conspiracy, without a consultation.

But how hath that too been made good? Your lordships will observe that there is not one overt-act, or circumstance of time or place, mentioned, proved, or alledged. I have not therefore consulted or conspired at home.

The next, and the only material part of the charge, is corresponding abroad with the Pretender, &c.

A high and heinous accusation, strongly asserted, much insisted upon, but how maintained, is the question?

The true state of this part of my charge, as well and as fully as I can recollect, is this, (I will not in any degree dissemble before you:) First, That I did on the 20th of April, 1722, dictate three letters to Mr. Dillon, the late lord Mar, and to the Pretender himself, under the feigned names of Chivers, Musgrave, and Jackson; to which letters the names of Jones, Illington, and 1378, were all by my direction subscribed.

Secondly, That afterwards two letters in answer to these two sent to Mar and Dillon, one dated May 11th, and the other July the 25th, under the feigned names of Motfield and Digby, were intercepted.

Thirdly, There is a certain intercepted correspondence between the Pretender's agents abroad, and Kelly here, carried on by him; and that I was at the head of it, and am answerable for what it contains.

This is the substance of my Charge, all other particular circumstances are made use of, as

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they thought would give light and strength to one or other of those articles.

As to the first of these points, 'That I did 'dictate these letters;'

That it could not be possible that I dictated these letters, hath been made out to your lordships by such a concurrence of evidence, so clear, full, and legal, as I persuade myself can have left no doubt remaining upon any candid and indifferent person; a plain matter of fact, supported by such testimony, cannot be overthrown by little guesses and consequential surmises.

My lords, I was under the known difficulty of proving a negative, which in many cases is not to be done: but it so happens in this case, that peculiar circumstances attend it as to point of time. My being disabled in my chamber, and attended before and after that time by some of my servants, and receiving frequent messages from others: The agreeing testimony of my servants, that no stranger came near me about that time, and for some time before and after, and the full evidence of the school at Westminster, hath enabled my several servants to recollect the time, and to furnish such a proof of my innocence in this matter, as is not to be mistaken, and shews the clearness of the impossibility of it.

The clerks of the Post-Office swear, That they believe these three letters to be the hand-writing of Mr. Kelly, my supposed amanuensis: Your lordships will remember, That their oaths were at four months distance from the time of seeing those letters; during the whole series of which time, it never hath appeared that they have compared one original with another; and the only original, as a specimen, hath been proved, at your lordships' bar, not to be the hand-writing of Mr. Kelly; and be pleased to remember the very supposition of Mr. Kelly's being my secretary, or any ways intimate with me, hath been fully sworn to be false.

If it be said, Who then writ these letters; and with what view were they writ? The answer to this is obvious, my being here at your lordships' bar sufficiently explains it. It is enough to prove that I did not write or dictate them, and I have proved it abundantly. Let but any momentous part of the charge against me be made out with half the evidence, and I will submit without any dispute; eight or nine such witnesses would have borne down the evidence of one or two that had sworn.

But where there is none on the one side, but all on the other side, who appear, and that give direct positive evidence, can your lordships deliberate a moment for the reason of giving your judgment, which ought always, in doubtful cases, to lean to the doubtful side; and so taking this point as it stands, there is an end of the whole matter; for all other insinuations, feigned names, and obscure passages in letters, depending upon this, must fall together.

As to the other part of the accusation, when it is said the letter to Jackson was a letter to the Pretender, I have nothing to do with it; he that writ the letter, when known, will best be able, and most concerned to disprove it.

Since this objection carries a very odd sound, I shall briefly shew your lordships how that stands: Jackson, in a cypher of Plunket's, is said to denote the Pretender; That cypher consists of one hundred and fifty names, of which not one is used in any of the letters attributed to Mr. Kelly; three or four of these names are used by persons supposed to have writ to Mr. Kelly from abroad, but not one of them is used by him; nor doth Jackson ever, in his part of the correspondence, stand for the Pretender, but he is always under other appellations: Nay, Plunket himself, in all his letters writ in decyphered names, never stiles the Pretender, Jackson, but either Joseph, or Jepson.——Why should a name used in Kelly's correspondence, be explained by Plunket's cypher, when Kelly appears to be no ways acquainted with him, and Plunket himself did never dictate to him? I forbear repetition; I only add, that at this rate there is nothing that may not be proved.

The letter to Dubois there is little said of, because there is no use made of it; it is charged in the Report as a letter which I had received from abroad. The tables are now turned, and I myself designed to have sent this letter to a feigned correspondent, but kept it among my papers under my seal: For what end; the letter itself is an errant delusion; Why, to furnish proof which is much wanted, of my receiving letters that were directed Jones and Illington; and it is very strange I, who am represented as being so very cautious, should be so negligent in this, and preserve something that is of no use, and yet might hurt me so much when discovered.

It is absurd to think, that I should by that means mention the name of my correspondent, and mention the name of Johnson, which the committee of the lower House observe was constantly with me.

I know not what farther can be said for this matter, till the counsel have further explained it, and shewn what use they make of this letter, which hath given your lordships so much trouble, and which I own I do not comprehend.

There is still a fifth letter, which I have acknowledged to be my hand; that which was taken on my servant. Mr. Reeves* hath made some uncharitable observations upon it; which, for ought I know, may be allowed as the form of law in the ordinary courts; but, I am sure, in a court of equity, the most favourable construction ought to take place. I have taken minutes of his observations, and I think they are these: He observes, that the bishop doth not in his letter insist on his innocence in general, but considers only what evidence doth affect him.

It comes out at last for whom my letter was designed; and I think that an answer to

* One of the counsel against the bishop; afterwards Chief Justice of the Common Pleas.

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Mr. Reeves's first observation, and I shall explain it no farther. He observes next, though I clear myself from the knowledge of Layer, Neynoe, &c. there I say nothing of Kelly.

The gentleman I designed the letter for, knows it was an answer to one wrote to me about Layer, and will swear it himself, if there was room for it.

The third observation is, where speaking of myself, I say, 'If I cannot ward the blow, I 'must be a prisoner some years without reme-'dy;' from which he was to infer, not in that good natured way he generally did, my meaning must be, that I was conscious of guilt.

I apprehended an impeachment would have been lodged and never prosecuted, as in the case of my lord Danby and the earl of Oxford; and then I should have lain without trial, and without bread.

The second Article of my Charge, is the two letters from Mar and Dillon, under the feigned names of Motfield and Digby, which were intercepted.

One of these they have dropt.

That I received them, is not pretended; both letters, though without a criminal expression or word of business in either of them, would yet have affected me in some degree, if received by me; and I was the person, as is supposed, to have writ the letters to which they are answers. That I used to have any correspondence; is that proved? Is not one and the same necessary in order to ascertain the charge?

Any man that pleases may write to me, and take those names upon him; I am not to answer for that, unless I have appeared to receive them, and kept up the correspondence.

The letter from Motfield, dated May 11th, cannot be reasonably thought to have been wrote with any other view than that of being intercepted, and of fixing upon me the letter of April 20th.

This letter is committed to the common Post-Office, and sent upon this errand; one may doubt who writ it, but one cannot doubt with what design it was writ: Your lordships' wisdom will see through those malicious disguises, and not make me account for letters, which have been handed to and fro between two unknown correspondents, on a design to raise a suspicion of a third person, altogether a stranger to what is writ. And here I desire, that the observation made by one of my counsel may not be forgot; that is, all the intercepted letters from abroad mention persons that lay hid under secret names, and are discovered by doing of such deeds, and by such circumstances, as will fasten those names upon them: Though the committee were not at a guess, yet they were often at a loss.

In my case the fictitious names applied to me are often attended with such descriptions and circumstances, as very naturally lead those that offer these letters to fix them on me; the writers of them use all their art not to disguise, but to open the thing, and seem to be in pain lest they should not be well enough understood.

This being contrary to the method of reserves in all other cases, smells strong of a malicious design.

The letter of July 25th, from Digby to Weston, is not so well contrived as it should have been, yet I am to be understood by it, because of the circumstances I was then under, which the writer was apprised of.

These are the only two instances of letters supposed to be writ from abroad; they are not consistent; shall they affect me in so high a manner?

It remains to be considered in the third place, whether there was a supported correspondence between the Pretender and his agents and Mr. Kelly here? Whether I was at the head of it, and am justly to answer for it? Mr. Kelly, I hear, hath owned at your bar, and declared, which I also declare, I never knew a line of any letter he writ to foreign parts.

I meddle not with what concerns him any farther than when it may affect me.

The chief part is the present of the dog, the account of that is in a letter to Hatfield, dated May 5th, not signed; in which are these words, 'The little dog was sent ten days 'ago, and ordered to be delivered to you?' But there is no intimation in this, or any other letter from abroad, that this present was intended for me.

In two letters from hence, by whom writ it doth not appear, somebody is meant under the different names of Mr. Jones and Mrs. Illington, in such manner as designed for the same person; but the circumstances are neither applicable to myself or my wife, or me particularly. The letter dated May 7th, from Hatfield to Musgrave, being five days after the burial of my wife, cannot mean her; and being but five days after, it can as little mean me: So that the writer of this letter must either have known nothing of my family affairs, or if he did, must dissemble his knowledge of them to raise a suspicion; and in either case what he says is not to be regarded. The surgeon and Mr. Kelly only knew any thing of this matter, and they can best clear it.

Mrs. Barnes, she varies, and sometimes the dog is for me, and sometimes for her.

As for myself, I never asked for, received, or saw this present, nor know any thing of it, but from common fame; nor have I to this day had any message or letter whatsoever concerning it. The end of this design seems to be, to point me out by the name of Jones and Illington, subscribed to the letters of April 20th, by using them again in relation to this present.

And perhaps they are not much in the wrong to think, that one intercepted dog should be of as much use as ten intercepted letters. Both contrivances then must have succeeded, had I not been able to prove that those letters were not writ with my order or knowledge; and therefore the use of those names, in subsequent letters, is a continuance of the fraud, and this obviously runs through the whole of the corre-

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spondence; for wherever the names of Jones and Illingtoir are, they are used in applying them to me, because they are the same.

These points have not only been denied, but disproved with all manner of credence and clearness.

My counsel have shewed, that all these suspicious correspondences are to the last degree absurd to apply to me, and no one would apply them: That I could not order the letters of the 20th of April, to which the names of Jones, &c. are subscribed, I think is plain, and then the evidence falls or depends upon it.

As to the journies to and from Bromley, where the prisoner Kelly had frequent access to me, and therefore I might probably dictate those letters, the counsel for the bill have not opened themselves on that head; but your lordships have heard it made out, and because it is material I shall repeat it.

(Here Wood's Examination was read.)

By all these accounts, nothing could have been easier for the persons themselves to manage here, than getting an account of my neighbours in order to render the contrivance more plausible.

That Mr. Kelly is no stranger to me I own; but that he is in any degree intimate with me, or frequently saw me, I deny; and what evidence is there from them to the contrary; or how is this solemn denial at your bar contradicted?

The chairman says, He carried him twice or thrice to the deanry three or four years ago; and this Browne, the chairman, he swears he carried me once, in three or four years time. I believe he may. The porter he says, That he brought a letter and some stockings from Kelly to me. The foundation of this story is true; for Mr. Kelly used to furnish me with stockings and gloves; not but that the circumstance of the porter coming up to my bed chamber at that dirty time of the year, is very extraordinary; and even this evidence owns, he was never sent by me to him.

Now, on the other side, there is the evidence of almost all my servants, who have, upon oath, attested, that they do not know either the name or the face of Mr. Kelly, which could not possibly be, did he use frequently to resort to me. Such a slight acquaintance, as I had with him, could not be any temptation to enter into secrets with him of such a dangerous consequence as these are, which the report insinuates to have passed between us; however, suspicion is not now the business; they that prove something, may be allowed to suppose more; they that prove nothing, have no right to indulge their suspicions and conjectures to the ruin of any man; twenty probabilities, allowed to be such, are not equal to any one matter of fact well attested; it may strengthen the fact, but cannot support it. They cannot be evidence themselves, because one probability may be set against another.

I use this distinction between evidence in law, and reasonable evidence, because the council for the bill have asserted something like it.

I own, I always thought the public law of the State, the public reason of the State; and whatever it is in another country, yet, in this country, no evidence can be reasonable that is not legal: But I ask, What sort of evidence either in reason or law, is brought against me? How am I proved to consult and correspond to raise an insurrection against his majesty and his kingdom, and to procure a foreign force to invade the same in favour of the Pretender?

How am I proved, in the second place, to have corresponded with the same Pretender, and with Persons employed by him? Is one article of these charges made out against me with any colour of reason? Suppositions without proof, suppositions disproved, and shewn to be vain, and unjust.

If the proof in these cases wants strength, can the hearsay of Neynoe supply the want of proof, and render it valid, since Neynoe pretends, for ought that appears, not to have known any thing of me; he only heard Kelly say so, and Mr. Kelly denies it; and there is, I think, no reason why such a dead evidence should affect me, or Kelly himself; much less me through him. Was Neynoe alive, and Kelley dead, and incapable of contradicting what Neynoe said, I believe what Neynoe said would not be of any weight: Besides, what Neynoe dead says, and Kelly now alive denies, ought not to have any force.

Concerning hearsay evidence in general, and concerning the due regard to it, I humbly desire your lordships, that a passage may be read out of sir John Fenwick's Bill of Attainder.

(The whole Preamble read.)

My Lords, I humbly desired to have this read, because I thought it would take away a distinction between legal and parliamentary evidence; that what was not legal might be parliamentary. I believe here is a condemnation of him by Parliament; therefore I think the condemnation of him must be by parliamentary evidence. It is recited in this Act as one of the inducements that moved the King, Lords, and Commons to pass the Act, 'That 'sir John Fenwick had contrived and framed 'several papers, &c. only by hearsay.'

Shall that be accepted in this Parliament for evidence, which is declared the only motive of attainting a man in another? If it was judged hard in sir John Fenwick's case to charge a man by hearsay, can the being thus charged be any proof against me? Sure the House of Commons in 1696, that brought that in, would have so thought, nor would those of your lordships consented here, or elsewhere, to have passed it.

As for those that did not consent, I will venture to say, I am exceedingly puzzled to know why they did not oppose sir John Fenwick, but favoured his case, and are yet against me. Is the guilt objected to me, if proved, in any mea-

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sure like his? Or is there any comparison between the proof against him and me?

As to the paper and information given in by Neynoe and printed in the Appendix, it is plain he was drawn in to have sworn backward or forward, to have affirmed or denied any thing. He knew a certain lord of the council, that gave me notice of my being taken up some days before it happened. He knew what use and purpose the protests of your lordships were chiefly designed for and calculated; and it appears by his paper that was taken in his pocket after his death, that he had undertaken to give a positive account, and designed either to ask or receive such a sum of money.

It is said he was the late earl Marishall's bedfellow for several months, and had drawn up heads for memorials to be delivered to the Regent; but he had kept no copies of these heads or foul draughts, which would have shewn whether they were given in to promote it, or discover it; in either case the evidence of being then employed, would have been of service; but they have not been able to produce a line of such heads or memorials, yet the Report of the House of Commons, upon the basis of these memorials, builds the whole fabrick. He knew that I went under the names of Jones and Illington, and undoubtedly he knew Mr. Dubois: If the scheme of writing that letter myself had been seen, he would have found out a reason for the correspondence; and 500*l.* would have made him affirm, that he carried the letter himself. He knew the Pretender's particular opinion of me, or of any body else; and that he relied on advices from me: How did he know that? He told him so. Who told him? It is not supposed Mr. Kelly had it from himself, but from persons of high estate, and that were near the Pretender.

Let me speak, my Lords, as always I hope I shall, with that modesty as becomes justice, but yet with freedom to you.

Hath nothing been opened to you concerning this man's character, and his secret transactions? Is it possible to believe this pretender to secrecy, could have had or shall he still have any degree of weight, that threw away his life rather than venture to stand to the truth of what he had said before his death; and then he could have been contradicted, or pangs of conscience might have made him unsay what he had said; but a dead man can retract nothing; what he hath writ, he hath writ; the accusation must stand just as it did, as far as it concerns him; and we are deprived of the advantage, which truth and remorse once extorted, and would have again extorted from him; however, I would have been glad to have had all that ever this wretch said, and would hope that by comparing of the several stories, which he several times told, some light might have been gained, which is now wanted:—Particularly by the knowledge of what he said freely and voluntarily, when he was in good humour, and before his rough usage, on his return from Rome, had frightened him; but I think we have the evidence only of a few of the last days of his life, all the preceding time is blank. He underwent frequent examinations, but they were not, it seems, so maturely weighed and digested, as to be thought worth the committing to writing; but he is gone to his place, and hath answered for what he hath said at another tribunal. I desire not to disturb his ashes, farther than what is necessary for my own defence.

Your lordships will observe first, the inconsistency of some part of the charge. Secondly, the improbability of it. The Report takes notice of three several periods, or stages of time, when by consequence of some informations from the Regent, the design did not take place; the first was, during the election; the second was, the king's going to Hanover; and the third was, the breaking up of the camp: There is not the least hint as to the last of these three designs, in any of the papers; though in the recital of the bill it is mentioned as the third part of the plot, and the most detestable part of the design, to lay violent hands on his majesty and his royal highness.

There is not the least colour of proof, as to the first part of the conspiracy, which was to take place at the election; their only reason for that, is from a passage, where it is said, that the present opportunity is elapsed; that is, the opportunity of the election.

I shall recite the passage, as it lies in the intercepted letter, and make some reflections on it: 'Notwithstanding the opportunity is elapsed,' (says the writer to Jackson) 'I agree 'with you, another may offer before the end of 'the year, though not perhaps every way so 'favourable.'

The Committee suppose this Letter to be from Kelly, and dictated by me; and they suppose the words to refer to the time of the election; and from those suppositions infer that I knew something of it. On the contrary, I shall on the two first suppositions shew the impossibility of it; if this was a Letter from me, or from any other person dictated by me to the Pretender, I must write as in answer to some letter sent from them to me, in repeating the expression; and his opinion in the letter must have been founded on intelligence before received: This intelligence, considering the distance between London and Rome, must have been communicated two months, if not longer, before the date of this letter; if we go back two months, and talk of the election being elapsed, it was not begun: consequently that opportunity in the letter could not possibly mean the time of the election; and if so, it is impossible that it should be a letter to the Pretender, that can consist with the charge of the person's writing in April, 1720.

If it be a letter writ in good earnest, it appears they had given over all thoughts at that time: 'I agree with you,' says he, 'another 'may offer before the end of the year;' and yet he finds some words in a letter writ ten days after, wherein, under the name of Jones,

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I am made to be deeply concerned in a conspiracy.

How can this be consistent, if I writ and directed that letter, and was engaged in the second part of the conspiracy?

Both cannot be true, both may be false; and I hope I have satisfied your lordships, that as I did not dictate the one, so I was no ways concerned in the other.

Can any one believe, that under the sad circumstance of being afflicted by the death of my wife, I should be concerned in an affair of this dangerous nature? Was that a time to provide for a stranger? And for a man, unless under the power of prejudice, to believe such an improbability, or that I had such a conjecture. I forbear former instances.

I shall now consider the improbability, as well as inconsistency of the charge brought against me without positive proof. You will allow me to answer the indictment in the same manner as it is laid.

Is it probable that if I were engaged in any such design, no footsteps should be seen of any correspondence I had with the late duke of Ormond, to whom, of all persons abroad, I was best known, and to whom I had the greatest regard, and still have all the regard that is consistent with my duty to my king and country?

Is it probable that I would chuse rather to engage in such design with Mr. Dillon, a military man I never saw, and with the earl of Mar, whom I never conversed with, except when he was secretary of state?

Did I not know, what all the world thinks, that he had left the Pretender several years, and had a pension abroad? Is this a season for me to enter into conferences with him about restoring the Pretender; and to do this, not by messages, but by letters, not sent by messengers but by the common post? That by thus writing to him by the post, I should advise him after the same manner to write to me; and by these means furnish opportunities towards detecting the persons and bringing myself into danger? How doth that consist with the caution and secrecy which are said to belong to me? Must not I have been rash to have laid myself open in such a manner? This is an inconsistent scheme, the other a bold assertion. Is it probable when attending the sick bed of my wife, and expecting her death, not daily but hourly, that I should enter into negociations of this kind?

There was no need of dispatching any of those three letters merely to excuse my not writing: The circumstances of my family had been a sufficient apology, and more effectual.

Is it probable, that when I was carrying on public buildings of various kinds at Westminster, and Bromley, consulting all the books from the Westminster foundation, engaging in a correspondence with learned men, about settling an important point of divinity; at that very time, I should be carrying on a conspiracy? Those that entertain such thoughts without reason, may also condemn me without argument.

Is it probable, that I should meet, and consult, in order to carry on and forward this correspondence with nobody, and no where?

That I, who always lived at home, and except at dinner time never stirred out of my chamber; received all persons that visited me, and was denied to none, should have an opportunity to be so engaged? And if I had, that none of my domestics and friends should ever observe any appearance of any such thing? No evidence among my papers, though they were all seized at both my houses, and confining all my servants, but one, for about ten or eleven weeks, searching him twice in the Tower, and searching myself, nothing of consequence appears, nor is there any one living witness that charges me with any thing that is really true.

Is it probable, that I should form and direct a conspiracy, and carry it on with any success, that am not used to arms, which I am no more acquainted with, than with the persons employed on those occasions? My way of life hath not led me to converse with such men and such matters, except on the occasion of meeting in Parliament; but in a council of war, I never was. Have I yet in any instance of my life meddled remarkably out of my own sphere, in affairs foreign to my business or character? I might have been thought to have been too active in my proper station and business; but I was never charged with war, nor any ways informed in the art of it.

Is it probable, that persons concerned in such military scheme, (if any such be formed by men of the sword that apply to such business) should be punished without any proof?

And must I, whose way of life is set at the greatest distance from such persons, and from the very suspicion of being concerned with them, suffer all the pains and penalties short of death, which the Parliament can inflict for a supposed I know not what, and what I do not to this day apprehend.

Here is a plot of a year or two standing to subvert the government with an armed force; an invasion from abroad; an insurrection at home; just when ripe for execution it is discovered; and twelve months after the contrivance of this scheme, no consultation appears, no men corresponding together, no provision of money, arms or officers—not a man in arms—And yet the poor bishop hath done all this.

Layer and Plunket carry on a treasonable correspondence, they go to Rome and receive directions from the Pretender himself, to promote his cause.—It doth no where appear that the bishop has the least share in, or is any way privy to, their practices.—And yet the bishop has done all; he is 'principally concerned in 'forming, directing, and carrying on this de-'testable conspiracy.'

What could tempt me to step thus out of my way? Was it ambition and a desire of climbing into a higher station in the church? There

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not a man in my office farther removed from this than I am; I have a hundred times said, and sincerely resolved, I would have been nothing more than I was, at a time when I little thought of being any thing before, and I can give an instance of this kind if I thought proper.

Was money my aim? I always despised it, too much perhaps, considering what occasion I am now like to have for it; for out of a poor bishopric of 500*l.* per annum, I have laid out no less than 2,000*l.* towards the repairs of the church and episcopal palace; nor did I take one shilling for dilapidations, and the rest of my little income has been spent as is necessary, as I am a bishop. Nor do I repent of these expences now, (though since my long confinement I have not received the least part of the income of my deanry) not doubting in the least, but that God who hath liberally provided for me hitherto, will still do it, and on his good providence I securely rely.

Was I influenced by any dislike of the established religion, and secretly inclined towards a church of greater pomp and power? I have, my Lords, ever since I knew what popery was, opposed it, and the better I knew it, the more I disliked it.

I begun my study in divinity, when the Popish controversy grew hot about that immortal book of Tillotson's, when he undertook the defence of the Protestant cause in general, and as such I esteemed him above all.

You will pardon me, my Lords, if I mention one thing:

Thirty years ago I writ in defence of Martin Luther, and have preached, and writ to that purpose from my infancy, and whatever happens to me, I will suffer any thing, and will, by God's grace, burn at the stake, rather than depart from any material point of the Protestant religion, as professed in the church of England.

Once more: Can I be supposed to favour arbitrary power? The whole tenor of my life hath been otherwise: I was always a friend of the liberty of the subject, and, to the best of my power, constantly maintained it: I may have been thought mistaken in the measures I took to support it.

It matters not by what party I was called, so my actions are uniform.

To return to the point: The charge brought against me, in the manner it is brought, is improbable; if I could be guilty of it, I must have acted under a spirit of infatuation; yet I have never been thought an idiot or a madman.

My Lords, as to the pains and penalties contained in this bill, they are great and grievous, beyond example in their nature and direction.

I am here, my Lords, and have been here expecting an immediate trial. I have, my Lords, declined no impeachment. The correspondence with the earl of Clarendon was made treason, but with me it is only felony; yet he was allowed the conversation of his children, by the express word of the act: mine are not so much as to write, so much as to be sent to me.

What is most particular in my case I will repeat distinctly, that my reverend brethren may hear it. I am rendered incapable of using or exercising any office, function, authority, or power ecclesiastical, not only in his Majesty's dominions, but any where else: very hard! that such spiritual power as is not derived from men, but God himself, should be taken from me.

And I am not only deprived of all offices, dignities, and benefices ecclesiastical, and for ever banished the realm, but likewise precluded from the benefit of royal clemency, and made utterly incapable of any pardon by his Majesty, his heirs and successors.

My Lords,

I insist on my innocence, that I am not guilty; and if I am not proved so, your lordships will thus judge; if otherwise, I persuade myself I shall find some degree of mercy.

You will not strip a man of his substance, and then send him where he cannot subsist; you will not send him among strangers, and then hinder others from performing humanity to him; you will not give him less time to order his affairs and depart the kingdom, than the bill hath taken in passing through both Houses.

The great man I last mentioned, carried a great fortune with him into foreign parts, and had the languages: was well acquainted abroad: the reverse of all this is my case: I indeed am like him in nothing but his innocence, and his punishment. It is in no man's power to make us differ in the one, but it is in your lordships' power to make us differ widely in the other, and I hope your lordships will do it.

But to sum up the argument: it hath been frequently observed, that the higher the crimes are, the fuller the proofs ought to be. Here is a charge of High Treason brought against me, with no evidence at all.

My Lords,

Pardon me, what is not evidence at law, can never be made so by any power on earth; for the law that required the evidence, is as much the law of the land, as that which declares the crime.

It is equally unjust to declare any proof legal, because of my prosecution: as extraordinary would it be, to declare acts themselves, *ex post facto*.

Never was there a charge of so high a nature, and so weakly proved.

A person dead, so that there is not an opportunity to falsify him by contradicting him; a charge not supported by one evidence, nor by one proof of any thing that hath been writ or received by me, nor even by any one criminal word proved to have been spoken by me, but by intercepted letters and correspondence, in which appears not the least certainty.

Some of those letters, shown to persons, with

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a design to fasten something on them; others writ in cyphers, and fictitious names, throwing out dark and abstruse hints of what persons went by those names, sometimes true and sometimes doubtful, and often false, who continue all the while strangers to the whole transaction, and never make the discovery, till they feel and find it advancing itself towards them: My Lords, this is my case in short.

I have a hard task to prove my innocence: shall I stand convicted before your lordships on such an evidence as this? The hearsay of an hearsay; a party dead, and that denied what he said; by strange and obscure passages, and fictitious names in letters; by the conjecture of decypherers, without any opportunity given me of examining and looking into the decyphering; by the depositions of post-office clerks about the similitude of hands; their depositions made at distant times, and without comparing any one of the originals, and by a strange interpretation of them; for nothing more, I am persuaded, can be made of the arguments, than what is called the intercepted correspondence.

Shall I, my Lords, be deprived of all that is dear to me, and, in the circumstances I am in, scarce able to bear up, and by such an evidence as would not be admitted in any other cause or any other court; and would hardly affect a Jew in the inquisition of Spain?

And shall it be received against a bishop of this Church, and a member of this House? God forbid. Give me leave to make mention of a text in holy writ; 'Against an elder receive not 'an accusation, but before two or three wit-'nesses.' It is not said, condemn him not upon an accusation, &c. but receive it not; I am something more than an elder, and shall an accusation against me be countenanced, without any one instance of a proof to support it?

This is not directly matter of ecclesiastical constitution: there you read, one witness should not rise up against an elder; but here, at the mouth of two witnesses, or three witnesses, shall the matter be established. And as this rule was translated in the state of the Church, people always thought fit to follow it.

Shall I be the first bishop in this Church condemned upon conjecture, on fictitious names and obscure passages in letters, instead of two or three witnesses?

Will not others endeavour to make the same precedent, and desire the same influence of it to succeeding ages, and even concur in such an act, in order to render me incapable of using or exercising any power or authority, &c. Is this good divinity, or good policy?

As to the justice of the legislature, in some respects it hath a greater power than the sovereign legislature of the universe; for he can do nothing unjust. But though there are no limits to be set to a parliament, yet they are generally thought to restrain themselves, to guide their proceedings in criminal cases, according to the known law.

The Parliament may order a criminal to be tortured, who can say they cannot? But they never did, nor never will, I hope, because torture, though used in other countries, is not known here.

Is it not torturing to inflict pains and penalties on persons not suspected of guilt, nor plainly proved guilty? It is not much unlike it. The Parliament may, if they please, as well upon a bill of perpetual imprisonments, as upon a bill of perpetual exile, reserve to the crown a power to determine the one as well as the other. They have so enacted it in the one case, but they have not enacted it in the other. The law knows nothing of such absolute perpetual imprisonments.

The law may, in like manner, condemn a man on a charge of accumulated and constructive treason. They did so in the case of the great lord Strafford, and that by accumulated and constructive proof of such treason, that is, by such proofs so well interpreted, as plainly to communicate light and strength to each other, and so to have all force, without the formality of evidence. Was such proof ever admitted by any one to deprive his fellow-subject of his fortune, of his estate, his friends, and country, and send him in his old age, without language or hope, without employment to get the necessaries of life, to starve? I say again, God forbid.

My ruin is not of that moment to any number of men, to make it worth their while to violate, or even to seem to violate the constitution in any degree, which they ought to preserve against any attempts whatsoever.

But where once such extraordinary steps as these are taken, and we depart from the fixed rules and forms of justice, and try untrodden paths, no man knows where this shall stop.

Though I am worthy of no regard, though whatsoever is done to me may, for that reason, be looked upon to be just, yet your lordships will have some regard to your own lasting interest, and that of posterity.

This is a proceeding with which the constitution is not acquainted, which, under the pretence of supporting it, will at last effectually destroy it.

For God's sake, lay aside these extraordinary proceedings, set not up these new and dangerous precedents; I, for my part, will voluntarily and chearfully go into perpetual banishment, and please myself that I am, in some measure, the occasion of putting a stop to such precedents, and doing some good to my country, and will live, wherever I am, praying for its prosperity; and do in the words of father Paul to the state of Venice, say '*esto perpetuo*:' It is not my departing from it I am concerned for: let me depart, and let my country be fixed upon the immoveable foundation of law and justice, and stand for ever.

I have, my Lords, taken up much of your lordships' time, yet I must beg your attention a little longer.

Some part of my charge hath been disproved by direct and full evidence, particularly that of

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writing the letters of the 20th of April, or that I knew who wrote them, which I utterly deny that I ever did or as yet do know. Other parts of the charge there are, which are not capable of such disproof, nor indeed require it; there I rest. But, my Lords, there is a way allowed of vindicating myself; it is generally negative; that is by protesting and declaring my innocence to your lordships, in the most deliberate, serious and solemn manner; and appealing to God, the searcher of hearts, as to the truth of what I say, as I do it in what follows: I am charged in the Report with directing a correspondence to Mr. Kelly; but I solemnly deny that I ever directly or indirectly, saw a single line of any of their letters until I met with them in print. Nor was the contents of any of them communicated to me. I do in the next place deny, that I was ever privy to any memorial to be drawn up to be delivered to the regent. Nor was I ever acquainted with any attempt to be made on the King's going to Hanover, or at the time of the election. Nor did I hear the least rumour of the plot to take place after the breaking up of the camp, till some time after Mr. Layer's commitment. I do with the same solemnity declare, that I never collected, remitted, received, or asked any money of any man, to facilitate these designs; nor was I ever acquainted with, or had any remittances whatsoever from any of those persons. I never drew any declaration, minutes, or paper, in the name of the Pretender, as is expressly charged upon me. And that I never knew of any commission issued, preparation of arms, officers, or soldiers, or the methods taken to procure any, in order to raise an insurrection in these kingdoms. All this I declare to be true, and will so declare to the last gasp of my breath.

And I am sure, the farther your lordships examine into this affair, the more you will be convinced of my innocency. These contain all the capital articles of which I am accused, in the report of the House of Commons.

Had the charge been as fully proved as ascertained, it had been vain to make protestations of innocence though never so solemn.

But as the charge is only supported by the slightest probabilities, and which cannot be disproved in any instance, without proving a negative; allow the solemn asseverations of a man in behalf of his own innocence to have their due weight, and I ask no more, than that they may have as much influence with your lordships, as they have truth.

If on any account there shall still be thought by your lordships to be any seeming strength in the proofs against me: If by your lordships judgments, springing from unknown motives I shall be thought to be guilty: If for any reasons, or necessity of state, of the wisdom and justice of which I am no competent judge: your lordships shall proceed to pass this bill against me: God's will be done: 'Naked 'came I out of my mother's womb, and naked 'shall I return; and whether he gives or takes 'away, blessed be the name of the Lord.'

Lord Lechmere moves, That Kelly be examined at the Bar, relating to the Bill against the Bishop of Rochester.] The Bishop having done speaking, and being, with his counsel, withdrawn, the lord Lechmere took notice, That the most material part of the charge against that prelate was his dictating the treasonable letter to Mr. Kelly; and since the letter was the only legal witness they could have in this doubtful case, he therefore moved, "That George Kelly, alias Johnson, now a prisoner in the Tower of London, be brought to the bar of this House on Monday morning next, to be examined upon oath, on the bill, intituled, 'An Act to inflict pains and penalties on 'Francis lord bishop of Rochester.'" He was seconded by the earl of Carlisle; but opposed by several Lords; and the question being put upon this motion, it was resolved in the negative by 80 voices against 40.

Protest on the said Motion's passing in the Negative.] Dissentient' 1. "Because we think it unquestionable that the said Kelly is a competent legal witness to the matters charged by the bill against the bishop, and could not be legally refused to be sworn as such, if the bishop were on his trial for the same in the ordinary course of justice; and that, whether the said Kelly were produced either for or against the bishop; and, we conceive, if the counsel for the bill had thought fit to have produced him in support of the bill, that even no legal objection could have been made by the bishop's counsel against his being so produced and sworn, the bill passed this House against the said Kelly not having received the royal assent; and there not being in the said bill, in our opinions, any thing that can destroy even his legal testimony, when the same is passed into a law.

2. "Because the three letters, dated the 20th of April 1722, supposed to contain treasonable correspondences with the Pretender and some of his agents, have been made the principal charge against the bishop, and have been endeavoured to be proved to have been dictated to the said Kelly by the bishop, at or about the time of their date; but this not being as yet done, as we think, by direct or positive proof by any living witness of the fact, but by circumstances only, we think it most proper, and most safe and just, to endeavour to discover the truth of that material fact, by the best evidence the nature of the thing can admit of; and that this House should not be left under the difficulties of judging on this extraordinary occasion from doubtful circumstances, if the fact may be cleared by certain positive proof, and the examination of a competent and a living witness upon oath at the bar of this House.

3. "Because several living witnesses having been examined on oath at the bar of the

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House, on behalf of the bishop, in order to prove by their positive testimony and other circumstances, that the bishop did not dictate or direct, or was any way privy to the writing of the said letters, or any of them, which has, in our judgments, rendered it of yet greater importance, that the supposed writer of those letters should be brought under the most strict and solemn examination, before the Bill has passed this House.

4. "Because the said Kelly, though examined before committees of both Houses of Parliament, and elsewhere, hath not, to our knowledge, been yet examined upon oath to the matters contained in this Bill; and it having appeared to us, in other instances on this occasion, particularly of Mrs. Barnes, examined for the Bill, and of Bingley against it, who have materially varied their examinations at the bar of this House from their former examinations, at the same time declaring their former examinations were not taken and sworn to by them, we think it may be both dangerous and derogatory to the honour and justice of the House, not to examine upon oath, a person capable of discovering the matters of fact, on which the justice of the Bill against the bishop must depend; and especially after the said Kelly hath declared in the most solemn manner, next to that of his being upon oath, that the bishop did not dictate, or was privy to the writing the said letters, or any of them; and the bishop himself, in his defence, having also, in the most solemn manner of asseveration, declared his innocence in this particular, and expressly referring to the former asseverations of the said Kelly, as we conceive as a testimony in confirmation of his own asseverations.

5. "Because, we conceive, that the said Kelly was not only a legal witness for or against the bishop, in the strictest construction of courts of judicature; but the examination of him upon oath, on this Bill, is in every respect whatsoever, in our judgments, less liable to objection than in any or most other evidences, which on this occasion have been allowed; because the Bill passed by this House against the said Kelly, if it obtains the royal assent, as is most probable, doth (in judgment of law, as hath been declared by the judges) acquit him of any further prosecution for the said treasons therein charged upon him, and there is no judgment or punishment inflicted upon him in the said Bill, which can, when passed, destroy his capacity of giving evidence on any occasion; and the same being passed by this House, and not passed the royal assent, leaves the said Kelly, in our opinions, under less influence either of hopes or fears, than such witnesses which have been examined on this occasion under commitments and charge of high-treason; and, as we conceive, less liable to that objection than the declaration of Philip Neynoe, which has been read against the bishop, though never signed or sworn to by him, and the said Neynoe, some months since, drowned in endeavouring his escape; and which declaration appears to us to have been made by him under the strongest influences of guilt and terror.

6. "We think the crimes charged in the Bill against the said Kelly, are in their nature distinct and independent on those charged upon the bishop, Kelly's guilt in writing the said treasonable letters proved upon him being the same, though the bishop be altogether innocent in relation thereto; for which reasons, as we conceive, this House did refuse to permit Kelly on his bill to give evidence, that the bishop did not dictate the said letters; for which reason we are of opinion, that the evidence which Kelly might have given touching the bishop's dictating the said letters, or not, would have produced no consequence at all, with regard to the Bill passed against himself, though it must necessarily have contributed to the proof of the guilt or innocence of the bishop.

7. "This House having with great honour and justice, declared to several persons produced as witnesses on this occasion, that it was not required from them to depose any thing which did or might tend to their own accusation, the testimony of the said Kelly, if he had been examined on oath, we doubt not, would have been taken under the same just indulgence; and if he had submitted to have been examined on oath to the matters of this bill, such his examination being in that respect voluntary, could not, in our opinions, have been construed as forced from him by the authority of this House; and such testimony as he might have given would have remained under the consideration and judgment of this House, as to its credit and influence, on all circumstances, in the same manner as the other evidence for and against the bill still does. *(Signed,)*

Cowper, Lechmere, Pomfret, Bathurst, Bingley, Fr. Cestriens', Compton, Willoughby de Broke, Weston, Bruce, Aylesford, Hereford, Gower, Brooke, Middleton, Denbigh, Scarsdale, Dartmouth, Salisbury, Foley, Masham, Cardigan, Exeter, Wharton, Litchfield, Uxbridge, Hay, Strafford, Northampton, Anglesea, Berkeley de Stratton, Poulett, Ashburnham, Guilford, Craven."

Farther Proceedings on the Bill against the Bishop of Rochester.] May 13. The bishop of Rochester being, for the last time, brought to the bar, Mr. Reeves, one of the counsel for the bill, made a reply to the bishop's Defence, and, in particular, justified what he had said before about the Letter the bishop wrote in the Tower, and was found about one of his servants. And as the bishop had closed his speech with a passage out of the Holy Scripture, so Mr. Reeves concluded with these words out of Ecclesiastes, chap. 10. v. 20. "Curse not the king, no not in thy thought, and curse not the rich in thy bed-chamber: For a bird of the air shall carry the voice, and that which has wings shall tell the matter."

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After this the counsel for the Bill produced and examined several witnesses to contradict what had been deposed relating to Neynoe.

The bishop of Rochester and his counsel having much insisted, and endeavoured to prove, that he did not dictate the treasonable letters in question, because, at the time they were supposed to be written, and before and after, he was disabled in his chamber, the bishop of St. Asaph* acquainted the House, That at that very juncture of time, he had received a letter from the bishop of Rochester, of his own hand-writing. This voluntary evidence, from a person of so venerable a character, raised the attention of the whole House. But the bishop himself, rather fired with indignation, than daunted by so unexpected a charge, absolutely denied the fact, boldly challenged his accuser to prove it, and offered to put the whole trial upon that single point.

The bishop of St. Asaph still affirmed that he received a letter, which he took to be written by the bishop of Rochester himself, from the hands of one of his servants, then at the bar; but being somewhat perplexed as to the hour, and the day, and at the same time contradicted by Grant, the bishop of Rochester's servant, the prisoner, in an exulting manner, pressed his accuser to produce the letter in question: which the other not being able to do, the bishop of Rochester severely animadverted upon him for being so forward to give such rash evidence, and endeavouring to fix perjury upon a man of his holy function.

This affair being over, the Lords, in a grand Committee went through the Bill, 'For inflicting pains and penalties on Francis lord bishop 'of Rochester,' and, about ten at night, adjourned to the 15th.

Debate on the third Reading of the Bill against the Bishop of Rochester.] May 15. The Bill was read the third time, and a motion being made that the Bill do pass, it occasioned a very warm debate.

The Earl *Poulet*, who spoke first, shewed the danger of such an extraordinary proceeding, and urged, That the swerving from the fixed rules of evidence, and consequently from justice, must inevitably be attended with the most fatal consequences to our excellent constitution.

The Bishop of *Salisbury*, † spoke next as follows:

My Lords;

I believe it will be expected that I should say something in a case so extraordinary as this is; and wherein a brother bishop is so nearly concerned. I beg leave to begin with taking notice of some things that were peculiarly addressed to this Bench, both by the reverend prelate, and his counsel from the bar.

The first is, that we would consider how agreeable it may be to the canons and discipline of the church, in this extraordinary manner to deprive a bishop of all his preferments; and to prohibit him the use and exercise of his function for his life. As to this objection, whatever influence it may have abroad among ignorant people, yet, as to your lordships, who know our constitution so well, I cannot imagine that it can have any weight at all. And indeed when I consider all the acts of parliament relating to the supremacy, that have been made for near two hundred years; when I consider the articles of our church, our canons, and the subscriptions that the bishop himself must have made, and must have required from others, in the exercise of his function, it is matter of wonder to me, that such an objection should be made, either by a bishop of the church of England, or by a lawyer of the kingdom of England. I do not indeed recollect above one instance of a particular act of parliament made to deprive a bishop; which is that of Fisher, bishop of Rochester, who was so deprived, in the time of Henry 8. But, as to general acts of parliament, whereby both bishops and presbyters have been deprived of their preferments, we have a good number: Thus, in the beginning of queen Elizabeth's reign, almost all the bishops of England were so deprived: And at the revolution, many were so; and all might have been so, if they had not complied with the terms of the act of parliament: And at the restoration, many hundreds of presbyters were deprived in the same manner. And it cannot well be doubted, but that the same authority which can make laws by which the whole bench may be deprived, may exert itself in a particular case, if they have just reasons for it.

As to the trial of bishops, for any crimes they shall be guilty of, we are to consider the different nature of the crimes of which they are accused; and the trial by law must be accordingly. If the crime be of an ecclesiastical nature, such as ecclesiastical courts can take cognizance of, as simony, heresy, and the like; the trial regularly must be by the archbishop of the province, taking to his assistance some of his suffragan bishops. But, even in this case, if either the archbishop shall, upon complaint, neglect to try him; or, if upon trial he shall acquit and absolve him, the accuser may appeal to the king in chancery: Which court may appoint a commission of delegates, who may, by the authority of the crown, judge him, deprive him of his bishoprick, prohibit him the use of his function for his life, though he were before acquitted by the archbishop. But if the crime be of a civil nature, such as treason, (which is the case now before us) the ecclesiastical authority has nothing at all to do with it; and should any ecclesiastical judge attempt to meddle with it, he would be judged to attempt against the king's crown and dignity, and quickly have his proceedings stopped by a prohibition out of the temporal courts: And I would observe further, that were this bishop to

* Dr. John Wynne: translated to Bath and Wells, on the death of bishop Hooper.

† Dr. Willis, see vol. 7, p. 573.

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be tried in the common course of law, for the crimes whereof he is accused in this bill, it must be, either by your lordships, as a member of this house; or by the judges and a jury in Westminster-hall. I would not at present say which, because it would lead me out of the way: But in this case, if either your lordships, or the judges below, should pass sentence upon him for the treason of which he is here accused, that sentence would, *ipso facto*, deprive him of his bishoprick. I shall add no more but this one observation, That the way that is now taken to deprive him, is the only way that I know of, wherein the bishops can have any part in the sentence of deprivation. The next thing that was suggested from the bar, particularly to this bench, was, That we should consider well what we are doing, and have a care that we do not, by concurring in this bill, make our titles to our bishoprics precarious. As to this admonition, the answer is very easy; That it becomes us, as we have the honour to have seats in Parliament, to take care to do justice, as, on the one side, to the prisoner, so, on the other side, to our king and country: and to trust in God, that in so doing we shall neither hurt ourselves, nor our successors. But, so far as just judges may look to events, the argument seems to me to lie the other way: For, if for want of doing justice against traitors to king George, the Pretender should happen to prevail, (which God avert) the title of Protestant bishops is like to be very precarious indeed. As to the power of Parliament to pass bills of this kind, the Parliament always had it, has frequently exercised it, and always must have it, it being essential to the very being of the supreme power. The lives and liberties of every man in England are subject to it; and though the exercise of this power may be dangerous to persons, who will venture upon treasonable practices, trusting to their cunning and artifice to skreen them from the law, yet I have that confidence in the integrity and justice of the crown, and two Houses of Parliament, that so long as this example is followed, of giving a full and fair hearing to the persons accused, innocent men cannot easily suffer; or in all events, that if corruption or faction should ever so far prevail, that there should be danger to innocent persons, it will be much easier to corrupt witnesses or juries, or, to find other methods to destroy them, than it will be to prevail upon a parliament to do it: As I am persuaded that, in this particular case, had there been any corruption, some other method would have been found out, more effectually to come at the person concerned, than this is like to do.

The last particular that the bishop peculiarly addressed to the bench, was, That we would consider the words of St. Paul to Timothy; 'against an elder receive not an accusation, 'but before two or three witnesses.' The sense of which words his lordship understood to be, That an accusation should not be so much as received against an elder or presbyter, and much less against a bishop, but upon the oaths of two or three witnesses. In answer to this, I beg leave to observe, that our translation renders the word, not, upon the oaths; but, before two or three witnesses: which seems to import a very different sense from that his lordship puts upon them. But, not to enter into any critical examination of the truth of our translation, or what the real sense of the words is, I only make these two short observations: First, That the sense the bishop puts upon them, that an accusation against a presbyter or bishop, must not be so much as received into court, but upon the oaths of two or more witnesses, is not practised in the church of England; and, I believe, never was practised in any christian church whatever. The second observation is, That whatever be the sense of these words, it regards only the conduct of a bishop towards his presbyters; but certainly was never intended to give a law to the supreme power of a kingdom, in its proceedings in cases of high treason, against any subject whatsoever. But the bishop urges further, that the Jewish law did require at least two or more witnesses in all judicial proceedings; and from thence infers, that it ought to be so amongst us. To this it may be replied, that is a part of the judicial law of the Jews, which was not given to us, and therefore doth not oblige us any more than the rest of that law doth, except where the reason of the thing lays an obligation upon us. But indeed, I am of opinion, that that law doth oblige us, so far as it was intended to oblige them, and so far as it can be adapted to the infinite variety of cases, that must happen in judicial matters. That law is very short, and therefore must leave many questions that may be made about it undetermined: I shall take notice of these two only; The first is, Whether the meaning of it be, that all controversies and accusations whatever, must be determined by witnesses and no other way? Or, whether upon supposition that the matter be, to be determined solely by witnesses, and no light can be brought to it any other way: that then the witnesses must be at least two; the second is, whether those witnesses must swear directly to the fact: For instance, that they saw such a man murder another, or the like; or whether it may not be sufficient that they swear to such circumstances, as infer a strong and violent presumption, that such a fact was committed by such a person? These things are left undetermined in that short law of the Jews; but are sufficiently determined by the nature of the thing; and by the laws of all nations, and particularly of our own. It is true indeed, that in cases of high-treason, we have from political considerations determined, that there must be two positive witnesses, to some one or more overt acts of the same treason; but, as to all other crimes, that equally affect the lives and estates of all the subjects of England, this is not the case; and men may by law lose their lives, when there is not so much

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as one positive witness to the fact. I beg leave to explain this in the words of my lord chief justice Coke, (1 Instit. fol. 6.) 'When a trial is 'by witnesses regularly, the affirmative ought 'to be proved by two or three witnesses;—— 'but when the trial is by verdict of twelve 'men, there the judgment is not given upon 'witnesses, or other kind of evidences, but 'upon the verdict; and upon such evidence as 'is given to the jury, they give their verdict; '——and many times juries, together with 'other matter, are much induced by presump-'tions.' And indeed, if no man could be convicted of murder or robbery, or other crimes of that nature, but by two positive witnesses that saw the fact done, nothing would be easier or safer, than the commission of those crimes; and no man could have any security, either for his person or his estate: And therefore, if in cases of high-treason our law requires positive witnesses, it is not from any moral necessity, or point of conscience; but from political reasons, which must, and always will be, subject to the judgment of parliament.

Having now done with what was from the bar peculiarly applied to this bench, I now beg your lordships' leave to proceed more directly to the bill itself.

And here two things are necessary to be considered, in order to convince your lordships, that it is a bill fit to be passed. The first is, the lawfulness of it; the second is, the prudence or expediency of it. As to the lawfulness of it, it will be necessary also to consider, first, Whether your manner of proceeding in this bill be lawful? Secondly, Whether the bishop be really guilty of the crimes charged upon him.

As to the manner of proceeding, many things have been objected; That it is by way of bill, and not a trial in the course of law; That evidence has been admitted, that would not have been admitted in any of our courts; That these things are contrary to the liberty of the subject; That every subject has a right to the laws of his country: and that he has an injury done him, if he be denied the benefit of them: This I take to be the sum of what has been objected against the justice of your proceedings in this bill.

In answer to these objections, I beg leave to consider, first, wherein the liberty of England consists, which is a point commonly pretty much mistaken. Many people are apt to imagine, that the difference betwixt us and some of our neighbouring countries, is, that they are under absolute power, and we are not; whereas in truth all countries, that are supreme within themselves, have equally an absolute power; and in the nature of the thing it cannot possibly be otherwise: No government can subsist, if there be not a power in it, to change, to abrogate, to suspend, or dispense with its laws, as necessity or conveniency shall require, which is what we call absolute power; and therefore, the difference betwixt one government and another, does not lie in this, that one has such a power and the other has not; but lies merely in the difference of the hands, in which this power is placed; where this is placed in one hand, in the king, we call that an absolute monarchy: Where this is not solely in the king, but only as he acts in conjunction with the states of the kingdom, that we call a limited monarchy; and the people that live under such government, are called a free people; because they live under set laws, which could not at first be made, nor can afterwards be altered or dispensed with, but by their own consent: However, there is still in such countries, a power, equally above all their laws, as there is in the most absolute monarchy in the world. What I have said upon this first head, will in a great measure explain a second question: What that right is, which the subjects of this country have to its laws? Which is in short, a right to claim the benefit of them against the crown, or any court acting under the crown, till the states of the kingdom, (which are virtually every man in the kingdom) think fit to consent to the alteration of them. The king is indeed supreme, but his power is only according to the laws in being; by them he is bound to act, and if any of his officers act contrary to them, what they do is null and void; and they are punishable for it; and the subjects have a claim of right against them: But if the king and his people think fit to come to a new agreement to alter any such law, there is an end of all claim of right in the subject: The claim is taken away by their own consent; for, as I said before, every man in the kingdom virtually consents to what is done by an act of parliament. And there is an absolute necessity, that there should be such a power as this in every country; for the state of human affairs is so changeable, that it does not admit of any set of unalterable laws. What is good at one time may be destructive at another; and what is generally good, may, under particular circumstances, require a dispensation by a proper authority. And here, give me leave to observe to your lordships, the difference there is betwixt the eternal laws of justice and righteousness, and all positive laws whatever. That as to the first, we are made for them, and the nearer we do in all things conform to them, the more noble and lovely, and excellent creatures we are: But as to positive laws, they are all made for us; and the more they conform to us, the more they obviate all our wants and difficulties; the more they answer to all our necessities, the better they are.

As to what is complained of, that your lordships have admitted evidence to be read, that would not have been admitted in the courts below: I conceive, that acting in the capacity you now do, you have a full power to do it, and have not broken any of the general rules of justice by it. You have let in all the light, that you thought might be proper to give you a full knowledge of the matter; and in the capacity you now act, I cannot but humbly be of

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opinion, it was your duty to do so; but in forming of your judgments, I take for granted, that your lordships will distinguish, and lay no more weight upon any thing than it deserves. As to the rules of receiving evidence in Westminster-hall, I conceive, that they are no part of natural justice, but only artificial rules framed for conveniency, and bind no courts, but as they have agreed to them, and so are become the customs of the court. That these rules are no part of natural justice appears from hence, that even among ourselves they are different in different courts: that those used in our courts, are very different from those used in other countries: that they differ here, according to the different causes or crimes that are to be tried. Nay, they are so far from being fundamental parts of justice, that they must require a good deal of time and art to form them. And I am persuaded, that was a person of good natural sense, who knows nothing of the law, asked his opinion, he would be apt to think it to be a part of natural justice, that every person that prosecuted a cause in any court, should be at liberty to produce before that court whatever he thought material to his cause: and there is no doubt but that this was the original way of proceeding; but that in process of time, when courts came to have a good deal of business, and they found by experience, that this way of laying every thing before them, tended to lengthen causes (which was especially inconvenient where juries are concerned, who must end a cause before they part) these rules were gradually found out, which, though they may be generally convenient, yet may sometimes hinder justice, by not suffering all the light to come into the court that may be material in the cause.

I now come to consider the second and main point of justice to be regarded in this bill, which is, Whether the bishop be guilty, or not, of the treasonable practices charged upon him in it: and in this I shall be the shorter, because your lordships have heard the evidence on both sides, and all that has been said from the bar by both sides upon it.

The cause of Kelly is so connected with that of the Bishop, that I must beg leave to speak a few words to the one, before I proceed to the other. As to Kelly, I would observe, in the first place, that one strong presumption of his guilt is, That when he was first taken up he resisted the officers; that he seized his sword and some papers that had been taken away from him, and was resolute to burn those papers, though with the apparent hazard of his own life; and being guilty of the murder of one of the officers that had seized him. In the next place, it is proved, That after he was taken up, the people at his lodgings burned the rest of his papers; a plain evidence, that they who knew his manner of life and conversation, suspected that he was guilty; and this is agreeable to what Neynoe told the Chancellor of the Exchequer, that there was at that time a general burning of papers. Thirdly, Another presumption of his guilt is, That when he was taken up the second time, he offered several sums of money to the people of the house where he was in custody, to suffer him to escape: these things I mention, not as full proofs of his guilt, but as strong presumptions, that make every thing else that is sworn against him very credible. The chief evidences of his guilt, are a great number of intercepted letters, both from him and to him, containing treasonable matters: those from him, are, by several witnesses, proved to be his hand-writing, particularly by the officers of the post-office, who took them and transcribed them: and as to those to him, several witnesses have proved, that he gave orders at several public houses to take them in when they came from the post; that he himself received them from thence, opened and read them. And it is also further proved, that answers were returned to them in his own hand-writing. These things I take to be plain and strong evidences of his guilt.

As to the person concerned in this bill, though it be a great trouble to me to think, that any bishop of this church should be guilty of so foul a crime, as that objected to him; yet I cannot but be of opinion, that if he be really guilty, the interest of our church, as well as justice to our king and country, do require that he should be convicted and punished. And indeed I cannot but be of opinion, that whoever believes Kelly to be guilty, must believe the bishop to be guilty too. I shall not insist upon what is called hearsay evidence, though there be a great deal of it against the bishop, only must observe, that the conduct of a Protestant bishop must have been very odd and unaccountable, if he be innocent; that so many Jacobites (as have done in this case) should declare, that they not only esteemed him to be in the plot, but to be the chief conductor of it. It is however fit to say something as to the case of Neynoe, because the bishop and his counsel have taken up so much of your lordships' time, and produced so many witnesses to prove him a knave. I did indeed myself always think him to be a knave, and that nothing that he said was to be believed merely upon his authority; but on the other side, the testimony of the greatest knave in the world may be taken against himself; and they themselves have proved that he was a Jacobite, and thoroughly in that interest, even when he was making some discoveries against them; and therefore what he says in that respect bears some weight, as being against persons whom he favoured, and would hurt as little as possible: some other things that he said are also confirmed by concurrent circumstances, and other discoveries; and these may have their weight, though he were never so great a knave. One of the things that he said in his confession, was, That he frequently went with Kelly to the bishop of Rochester's, and left him there (as Kelly told him) to write his letters. This is confirmed by a credible witness at your bar, who swears, that Neynoe used to be frequently at his house, and told him, at least three or

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four times, that he waited there for a sensible ingenious gentleman, that was gone about business to the bishop of Rochester: he did not indeed tell him the name, but the thing seems to me to look stronger than if he had, because it would have looked more like a piece of art and contrivance to have told the name of a man, whom he knew to be gone to the bishop about a criminal correspondence. I only beg leave to take notice of one thing more relating to Neynoe; the bishop's witnesses have fully proved that Neynoe told them, that the Chancellor of the Exchequer had given him several sums of money, to endeavour to get out of Kelly the explication of the cant names that were used in the correspondence, and that he had promised him much greater sums, if he would go to France and get it out of Dillon, and the Jacobites there: the inference from which I take to be very plain, that the court did not then know who the persons were that were designed by those cant names, and that they did believe that Kelly did know, and that Dillon and the Jacobites in France knew too; which effectually and fully confutes the suggestion of the bishop, of which he did not bring the least proof, that the plot was a contrivance of persons in power.

The next thing I beg leave to take notice of relating to the bishop, is a letter, taken among his papers, from a lady of great quality, of which the bishop, though it was objected to him by the counsel for the bill, has taken no notice, which I conceive he would and ought to have done, had it been possible to give any fair account of it. The lady (the dutchess of Ormond) in that letter tells him, 'That she sent something that she had received, she could not tell for whom, but let it be for whom it would, she thought he might be trusted, and that it could not be put into better hands:' a strong suspicion this, considering all circumstances, that here was a correspondence by cant names, which the lady did not certainly know, but believed the bishop might; or however, that he was, in all events, a person to be trusted.

Another very suspicious circumstance against the bishop, is, the letters from captain Halstead; and, what has been proved at your bar, that this same captain Halstead, a little before he went in his ship to fetch over the duke of Ormond, waited upon the bishop, and stayed with him an hour. This thing indeed directly proves nothing, but, all things considered, is very suspicious; and the more so, because the bishop has given no account, either of his acquaintance with him in general, or of the particular reason of that visit, at a time that leaves so much ground to suspect the worst. The next particular that deserves your lordships' consideration, is, the letter to Dubois, found among the bishop's papers when he was taken up, and sealed with the same seal with that letter taken upon the bishop's servant, which he confesseth to be his own hand-writing. It is not indeed proved that the letter to Dubois is the hand-writing of the bishop, but any body that reads it will easily be persuaded, that it is not the natural and ordinary way of writing of any person, but a disguised hand like print, except only some few letters, which escaped the care of the writer, and are very like those of the bishop: But, after a long examination, it appears plainly, that the seals are the same, and that the one could not be counterfeited from the other, because the first letter was originally taken with the seal broken, and was in the possession of the House of Commons when the second letter was taken upon the bishop's servant: It appears plainly by this letter to Dubois, that the person who wrote it was in a secret and dangerous correspondence; that he was an acquaintance of Mr. Johnson or Kelly; that he received letters by his hand, and wrote an answer in his hand. How far all these circumstances, taken together, prove the bishop to be the author of this letter, I submit to your lordships' judgment; for my part, I think they do, especially considering, that the bishop has given no account of it.

I now proceed to the principal charge against the bishop, the dictating to Mr. Kelly the three letters of the 20th of April, signed, one by the name of Jones, another by the name of Illington, the third by the figures 1378, which the decypherers explain by the letter R: The first directed to Mr. Chivers, or Dillon, the second to Mr. Musgrave, or lord Mar, the third to Mr. Jackson, or the Pretender.

It may be proper, before I take notice of the proofs, that the bishop did really dictate these letters, to take notice of an objection with respect to the time; the letters are dated the 20th of April, and the bishop has produced five or six of his servants, who swear, that about that time he was so very ill, that he could not write himself, and that he did not see any person to whom he could dictate these letters. To this it may be replied, that it does not appear that all the servants which the bishop then had, were produced before your lordships; and you cannot but be sensible, that treasonable practices are commonly carried on in a very secret way; and it appears that the bishop's correspondence with Kelly has been so carried on; for though there is plain evidence, that they were frequently together, and that they were acquainted, is confessed both by the bishop and Kelly, yet scarce any one of the servants produced would confess that ever they had seen Kelly, or heard of the name of Johnson, which was the name by which he went. In the next place, none of these witnesses prove that the bishop was so bad that he could see no company, till about the 16th or 17th of April; and it is very probable, that the letters must have been dictated so long, if not longer, before the 20th, on which they are dated, because Kelly was to transcribe and put them into cypher, which is a work of time and care; and perhaps, after all, they might be designedly post-dated, that the bishop finding himself going into a great fit of the gout, might have all that to plead which your lordships have heard, if the matter should ever be

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called in question. Upon all these considerations, I cannot but think it very clear, that the bishop might have dictated these letters: We are now therefore to examine whether he did or no.

The first thing that brought light into this matter, was the small accident of a dog being sent from France, which by the intercepted letters, appeared to be sent to one that went by the names of Jones and Illington. When Mrs. Barnes was examined before the council, upon Kelly's being taken up, she was upon the reserve, and would confess nothing that she thought might tend any way to hurt Kelly, but being asked about this little dog, who it was for, she readily answered, that Kelly had told her, it was for the bishop of Rochester, which she has since confirmed by oath at the bar of this House. This little accident, not suspected at the time of the discovery to be of any consequence, has given occasion since to look into so many circumstances, as plainly bring the matter home to the bishop. And indeed, if all the particulars in the intercepted letters be compared with those things that are in proof with respect to the bishop, I believe your lordships will be of opinion, that they cannot all belong to any one person in the world besides himself. In the first place, since it is proved that Kelly wrote these letters, the person who dictated them must have been an acquaintance of Kelly's; it is confessed on all hands that the bishop was so. In the next place, it is implied in one of the intercepted letters, that the person that went by the name of Jones and Illington was a clergyman; so far still agrees to the bishop. Again, this person is mentioned in all the intercepted letters, as a person of great consequence and credit, upon whose advice the party very much depend: And indeed the very manner and air of writing the three letters plainly shew, that the person who wrote them thought himself so; this also agrees with all the other discoveries about the bishop. Were there no other particulars but these, it will be hard to imagine that they could well belong to any other person; but if we consider farther, that this Jones or Illington came to town such a day of the month, went out of town such another day of the month, came back again to town such another day, was himself sick at such a time, that his wife was sick at such another time, and that she died at such a time; all which are an evidence with respect to the bishop; if we do, I say, consider all these circumstances together, it will plainly appear, that they can belong to no other man in the world but the bishop.

After this, I humbly apprehend nothing need be said; however I beg leave just to mention something relating to the letter that was taken upon the bishop's servant; by the whole air of which letter, it looks as coming from a person who did not esteem himself to be innocent, but who thought that nothing could be legally proved against him; and therefore there is not one word of his innocence in it, which is the first thought that must naturally have come into the head of any one that really was so; he writes wholly with the air of a man that had been used to intrigues; speaks of the concern that his friends should have for him and the cause; discourses largely about the kind of evidence that was against him; takes notice in particular what cannot affect him, 'If' says he 'the Narrative' or Report 'relates chiefly to 'Neynoe's, Semple's and Layer's affairs, so far 'it cannot affect me, for I never heard of the 'names of either of the three, till after this 'plot broke out.' It is plain by these words, that he did not then know what was in the Narrative against him, but he is very sure that neither Neynoe, nor Semple, nor Layer could affect him. Could an innocent man have thus distinguished, and could not they have affected him as much as any body else, if he really was innocent? Nothing can affect such a person but forgery, and that may come from any quarter; but in the whole letter he does not express the least suspicion of forgery; and yet this is the first thought that must naturally have come into the head of an innocent person. I beg leave to hint at this one thing more, that as he says that these three persons could not affect him, because he never knew them; so accordingly they have not affected him, or said any thing of their own knowledge about him; which is one good evidence, that what is said against him is not forged but real.

Having spoken to the justice, I shall be shorter upon the next head, which is the expediency or prudence of this bill. Had there been what we call legal evidence against the party concerned, your lordships, I take for granted, would not easily have gone into this extraordinary method of proceeding; for though it cannot be doubted but that the Parliament have this power, whenever they think proper to make use of it, yet I do agree with the noble Lords, that it is a power not fit to be used, but where and when the public good requires we should use it, which I humbly conceive is the case at present. A most dangerous plot against the government has been discovered; a great number of letters and papers relating to it, have been laid before the two Houses of Parliament; these have been printed and published by order of both Houses: The eyes not only of our own country, but of all Europe, are upon us to see what we will do, though the evidence of a plot in general be as clear as the light, and the evidence against several particular persons very plain; yet, as our laws are, it is not what we call legal evidence; the parties concerned will make no confession, and we have not the methods used in all other countries, to extort confessions from them: What then? Shall we see our king and country in danger, and do nothing for them? Shall conspirators go on with total impunity, only because they are obstinate, and artificially skreen themselves behind the law? I doubt, my Lords, that if this prove the case, we shall appear ridiculous in the eyes of all the world; that our friends and enemies,

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both at home and abroad, will think that we have no zeal for the preservation of our king and government; and if once they do think so, your lordships cannot but be all sensible, how this must encourage our enemies and discourage our friends, and bring us into that contemptible state, in which no government was ever long supported.

But a noble lord (lord Cowper) has been pleased to observe, that the best way to serve the government, is to do popular things, and by that to procure the love of the people. I perfectly agree in this, and cannot but be of opinion, that this government has done so, as far as it has been able: our religion has been preserved; justice has been equally administered to all sorts of people; none of our rights or liberties have been invaded; we have lived in peace at home, while many other countries have suffered all the miseries of war; these are, or I am sure should be, esteemed popular things: And if some other things, which might have been for the good of the people, have not been done, it has been the fault of those that complain most, and not of the government. And if there be discontents now in the kingdom, it is plain that the foundation of them was laid long ago by the enemies to our present happy settlement: For I am persuaded, that the discontents were higher and greater within four months after the king came to England, and shewed themselves much more, in a number of rebellious riots and tumults, than any thing that appears at present, and yet nothing then could be objected to the government, but that some persons were not preferred, who both before and since have made it too plain that they were not fit to be trusted. But as it is the duty of those in power, to do all the popular things they can; so, I must beg leave to observe, that it is the duty of all the subjects, (and the greater they are the more it is their duty) to put the best interpretation upon the actions of the government, that things will bear; not to misrepresent; not to put false colours upon things; and much more not to invent lies and slanders, and disperse them up and down the kingdom, in order to alienate the affections of the people: These things have been done, and done with great care and diligence, and by some too, who would take it very ill to be called Jacobites. These are the chief causes of the disaffection among us, and indeed of all the real grievances we labour under. Is the king forced to put the nation to charges, to keep up a greater number of forces than otherwise would be needful? It is entirely owing to this cause. Are our debts not paid? Is our credit not so good as we would be glad to have it! Let this artificial raising of discontents once cease, and these things will quickly mend of themselves. Indeed, were this a time for it, I think it might plainly be proved, that the debts we labour under had never been contracted, but for this absurd discontented humour: Nay, it is to this, that we entirely owe the danger we are in from this very plot; for it is plain from all the intelligence we have about it, that it was carried on upon the confidence that all discontented persons were Jacobites; and though the conspirators did in this greatly deceive themselves; yet it is certain, that they built their hopes upon this foundation.

But it is farther said by the same noble lord, that this extraordinary way of proceeding will not procure friends to the king; but will rather anger and provoke, and so hurt his interest instead of helping it. To this I answer, that I do indeed suspect, that many people will be angry; as I hear that the Jacobites through the kingdom are: A plain evidence this, that they do not think that the friends of king George are worrying one another; for they would not be angry at that. Those that most desire to destroy our liberties, are become, upon this occasion, the great patrons of liberty; as indeed they have been in a great measure ever since the Revolution, when any thing has been proposed for the support of the government. No sooner were their schemes of arbitrary power in the time of king James overturned, and a new government settled which they did not like, but they, in order to destroy it, set themselves against every thing that was necessary for its defence, under the colour of liberty; that is, they desired to have their own hands as loose as possible, to hurt it; and the hands of the government as much tied up as possible, that it should not be able, either to hurt them, or defend itself. Thus at present, they clamour against the additional forces, though established by Parliament; and against all methods, either to discover or punish the conspiracy. And they judge right in this for their cause, because, if they could have carried these points to their mind, they might then be more free in carrying on their plots, and with less danger put them in execution. For these reasons I take for granted, that all these people will be angry; but I cannot but be of opinion that it is much better they should be angry with us for defending ourselves, than that they should, first, sneer at us, as fools for neglecting our defence, and then be able more easily to undo us.

As to others, that possibly may be displeased at what we are now doing, I would hope, that a little time and consideration will set them right, and convince them, that it is not only just, but (all things considered) necessary to be done; because, if the Parliament do, upon this occasion, shew their zeal in the defence of the government, it will animate and give courage to the friends of it, both at home and abroad. Foreign powers will be apt to court the friendship of a prince, at the head of a mighty kingdom, if they see, that he and his posterity are like to continue there: All the affairs of the kingdom, which respect them, will be managed with more ease, with more honour, and with less expence; and they will be inclined, not to foment, but to discover plots, if they come to their knowledge. But on the contrary, if we give them any reasons to suspect, that we look another way, they will quickly do so too, and

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strive which shall be forwardest to help the Pretender to involve us in blood and ruin. And as to the subjects at home, I would only observe, that all mankind are apt to shew most zeal for a government, when they think it safe, and like to stand, and be able to protect them: But to suspect the contrary, is a most dangerous temptation to the fidelity of subjects, as has been seen by the experience of all ages. And therefore I hope, that your lordships will, by your unanimity and zeal in this matter, effectually convince the world, that the danger does and shall lie, in opposing, and not in defending the present government.

I hope what I have been saying, has convinced your lordships, both of the justice and prudence of this bill; give me leave to observe, that your moderation has been very great too, both in giving so full and fair a hearing, and in making the penalties so much less than the crimes deserve. It is not above a year since the Plot was first discovered; a Plot of a most desperate nature, to seize the persons of the king and prince, and to bring in a Popish Pretender upon us. The execution of which, was to be begun by seizing the Tower, and attacking the city of London on all sides; and was thence to spread itself into all parts of the kingdom. Lord! what confusion, what murders; what plundering; what burnings must this have caused? Whatever had been the issue, the very attempt must probably have occasioned the sacking and burning of this great city: The utter loss at once of all public credit: The murder of infinite numbers of people: The astonishment and amazement, and undoing of almost all, but of those vile wretches who would have had the plundering of all sides: If it had gone on, how many of the noble lords that I now see, would have been before this in their graves? But I forbear going any further in this tragical representation, and desire only to observe, that though it has been discovered about a year, how very little of it we yet know; and I do appeal to your lordships' consideration, who know the state of the world very well, whether there be any country in it, either bond or free, which, had they discovered but a fifth part of what we know of a plot of this nature, would not in a week's time, have found means to get to the bottom of it. However, my lords, I still commend your moderation, and do hope, that we shall never find reason to repent of it, and that this little which is now doing, will be a warning to conspirators not to provoke further the patience of an injured nation. I doubt not but upon this, and all other occasions, your lordships will be ready to stand by a wise, and a good, and a merciful prince, and that you will, according to your oaths, defend him against all treasons, and traiterous conspiracies whatsoever. And in the last place, give me leave as a Christian and a Protestant bishop, to hope you will do your best that a Popish Pretender may never be set at the head of this Protestant church: one, who must think himself bound in conscience to destroy it, and, instead of that pure religion which we now enjoy, bring in horrible superstition and idolatry, nonsense and tyranny, attended with all the sad calamities, which Popish princes always have brought, and always must bring upon Protestant countries.

The Bishop of *Chester** spoke next, and owned, That extraordinary proceedings may be recurred to, upon extraordinary occasions, and when they are evidently necessary for the preservation of the state; but that this was very far from the present case, since the conspiracy, in which the bishop of Rochester was charged to have had a share, had been discovered and disappointed long before. He was answered by the Bishop of Lincoln,† to whom

The Duke of *Wharton* replied as follows:

My Lords,

Some words which have fallen from the reverend prelate who spoke last, have made it, in some measure, necessary for me to trouble your lordships with the reasons that induced me to differ with him in opinion, and to give my negative to the bill now depending before us.

If I do not misunderstand his lordship (and if I should mistake his meaning, I hope he will set me right) he was pleased to say, "That persons without doors would be apt to cast different reflections on the particular behaviour of every lord this day; That those who were for the passing of this bill, would be accused of malice and partiality, and those who were of contrary sentiments, would be branded with disaffection to the present happy establishment."

For my part, I am far from thinking, that considerations of this nature will have the least weight with any of your lordships, and am very certain, that every one, who gives his vote on this important occasion, has attended, with the greatest care, to the evidence that has been given at your bar, which is the foundation of this day's debate.

The proofs that have been brought to support the charge, and the Bishop's defence, are to be thoroughly considered; and when your lordships proceed according to the rules of justice, you will not fear nor value any consequences which may attend the discharging of your duty.

So far I will venture to affirm, that the best way to shew our zeal to his Majesty and the present government, is to act, in all cases, both in our judicial and legislative capacities, with that honour and impartiality, as ought to flourish in this great council of the nation.

I could have wished the noble lords who have given their reasons for the passing this extraordinary law, would have entered into the particular circumstances of this case, and considered it singly on its own merits, but instead of speaking on that head, I cannot but take notice, that they have wandered from that, which ought to have been their only consideration,

* Dr. Gastrel. † Dr. Gibson.

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into learned discourses on bills of this nature in general.

I shall not trouble this House with any arguments against attainders: many lords, of greater weight and abilities than myself, have already spoke fully to this point in the preceding debates.

I shall only so far agree with the reverend prelate who spoke before me, that it is proper, such a power of punishing by bill should be vested in the legislature to be exercised on extraordinary emergencies; but then I must add, if ever that power is abused, if ever it is employed to destroy innocent persons, it is evident that the lives, liberties, and fortunes of every subject in Britain are in the utmost danger and liable to be sacrificed to the fury of a party. It has been admitted, that every bill of pains and penalties is to stand upon its own bottom; and that the passing of one act of this nature, is not to be brought as a precedent for the supporting of another, unless there be convincing evidence to enforce each case. And therefore the proper consideration now before us, is, whether the evidence offered against the unfortunate prelate is sufficient to induce your lordships to believe him guilty of the heavy crimes of which he stands accused?

My Lords,

I shall take the liberty of considering the whole proofs that have been brought on this occasion, both by way of charge, defence, reply, and rejoinder; and though I own myself very unequal to this task, yet, since no other lord, who could do it much better, has undertaken it, I think it my duty, as a peer, and as an Englishman, to lay it before your lordships in the best manner I am able.

The method I shall observe, for the more clear stating of the case, shall be to lay every particular branch of evidence before you, and to distinguish the several parts of the accusation, and consider them separately, to avoid confusion, and to be the more exact in what I have to offer.

I hope I shall have your lordships' indulgence for taking up so much of your time as this will require, but I assure you I shall endeavour to be as brief as the nature of the thing will admit, and will intrude on your patience as little as possible.

I must also desire your lordships will pardon me, if I repeat several arguments that have been used by the counsel at the bar, and if I even mention some things which fell from me in the debate on Mr. Kelly's bill, whose case is very much interwoven with the present, so that it is almost impossible to avoid it.

Before I go any farther, I cannot but say, that were these crimes plainly proved against the bishop of Rochester, his sacred function and station in the church would be aggravations of his guilt: but, as this is certain on the one hand, so, on the other, your lordships will require very clear demonstration before you can think it possible for a bishop of the Protestant church, who has signalized himself in defence of the Reformation, and the only one of that bench where he had lately the honour of sitting, that ever wrote in favour of Martin Luther, [See the Bishop's Defence, p. 285.] to engage into a conspiracy for introducing Popery and arbitrary power amongst us.

My Lords,

The counsel for the Bill opened the charge with acquainting the House, that it was only to be supported by producing of decyphered letters, full of fictitious names and cant words; they were so very fair as to confess, they had not one living witness that could charge the Bishop with any thing, nor even so much as a letter under his own hand; therefore, on the first view, this manner of condemning on such kind of evidence, ought to require our utmost caution, lest we should establish a method, which our enemies may hereafter take to destroy the greatest and most innocent subject in the kingdom.

Mr. Wearg* cited two cases, which he would willingly have us receive as precedents, to justify the admitting of circumstantial evidence; the one was the case of Ashton, who was condemned on circumstances only; but, my Lords, this was before the Treason-Act was passed, which requires two positive witnesses, and nothing could induce the legislature to pass that law, but a thorough conviction of the danger that might attend the admitting of any proofs which were not positive or certain.

The second case he cited was that of Harrison, for the murder of Dr. Clinch, and the learned gentleman tells you, that it was the pulling out of a handkerchief that led to the discovery of that murder. It is very certain circumstances may lead to the discovery of evidence, but must be well supported before they can be converted into convincing proofs.

The first piece of evidence that was offered at the bar, was the extracts of letters from abroad, which this House seems, in some measure, to have declared to be immaterial, when they did not so much as desire to see copies of the whole letters, nor the originals, and even admitted one to be read which was anonymous: But it will not be improper to observe, that through this whole correspondence, the bishop of Rochester is not named. And therefore I cannot see why they took up our time with reading papers quite foreign from this case; especially since every body allows there has been a conspiracy, which is the only fact to be gathered from this correspondence.

The next point which was attempted to be proved, was, That captain Halstead went to fetch the late duke of Ormond, and was at the deanery with the bishop before he embarked; there are also two letters found in the bishop's close-stool from this gentleman to his lordship, which were read, and are only appointments for visits, but mention nothing of this design; and, I think, there was a coachman, that proved

* Appointed Solicitor-General, and knighted, Feb. 2, 1724.

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Halstead was an hour with him some days before he left London.

This, my Lords, was opened as a matter of great importance; but your lordships must remember, that the supposed design of Halstead's bringing the late duke of Ormond into England, is only proved by hearsay. One of the crew belonging to the ship in which he went, has deposed, That it was the common report at Bilboa, that Halstead came there on that errand.

How far common fame is to prevail, I submit: But if this hearsay were true, is every person who was an hour with this gentleman before his departure, supposed to be privy to this project? And what a strained construction is it to insinuate, the bishop of Rochester knew of his intention, because he received a visit from Halstead, who was a tenant under his bishopric? And this is the more extraordinary, since it has not been so much as pretended, that any correspondence has passed between the reverend prelate and the late duke.

They then produced letters directed to one Dumvill, which were decyphered. And Mr. Willes was examined to prove that they were rightly and justly explained.

My Lords,

It very well deserves your lordships consideration, how far this kind of evidence is to be admitted: It has appeared to your lordships by the oath of Mr. Willes himself, that it is an art which depends upon conjecture; for this gentleman has confessed, that every man is liable to a mistake in this, as well as in other sciences; he tells you, that he and his brother decypherer varied in one or two instances: He allows, that the chasms, which they were forced to leave in those letters, might alter the sense of them. And, therefore, I cannot but think, that an accusation grounded on such proofs, is uncertain and precarious.

The person who is the decypherer, is not to be confuted, and what he says must be taken for granted, because the key cannot be produced with safety to the public; and, consequently (if his conjectures be admitted to be evidence) our lives and fortunes must depend on the skill and honesty of decypherers, who may with safety impose on the legislature when there are not means of contradicting them for want of seeing their key.

My Lords,

In the case of Coleman, the key was printed, as has been well observed by the counsel at the bar, and I am very much surprised, that gentlemen of such abilities and integrity, as the members of the secret committee in another place (who were so exact as to print the French originals to the translated letters, that the world might see how just and candid the prosecutors of the plot were) did not, for the satisfaction of the public, permit us to see the key in print, on the truth of which depends such a chain of consequences.

I own myself intirely ignorant of this art; but, as I should be very far from condemning a man on my own conjecture, I should much less do it on the conjectures of others.

The greatest certainty human reason knows, is a mathematical demonstration, and were I brought to your lordships' bar to be tried upon a proposition of sir Isaac Newton's, which he upon oath should swear to be true; I would appeal to your lordships, whether I should not not be unjustly condemned, unless he produced his demonstration, that I might have the liberty of enquiring into the truth of it, from men of equal skill?

I cannot think any man will allow evidence of this nature to be good; but if in this case relating to the decyphered letters to Dumvill, your lordships should admit it, there is nothing mentioned in them that can affect the bishop, neither is he at all named in them, but they are only brought to prove the conspiracy in general.

The examinations of Mr. Neynoe are the next points that are laid before your lordships; and, indeed, I must do the gentlemen at the bar the justice of saying, that they forbore mentioning any thing of them, when they opened the charge.

They were so sensible that such proofs could not have the least weight to affect the bishop, that though in the case of Mr. Kelly they were produced against him as very material to support that bill, yet they did not think proper to name them against the bishop; which I am thoroughly persuaded, is owing to what appeared at your bar by the examination of Mr. Bingley, and the universal opinion which every person seemed to have of the villainy of Mr. Neynoe's transactions.

My Lords,

These Examinations were never signed by the person, neither was he ever examined to them upon oath; so that, were they of consequence, and he a person of credit, they could not be admitted to affect any person whatsoever, in any court of justice or equity. I do not mean, that they could not be read according to the strict rules of Westminster-hall; which is admitted on all sides they could not; but I dare affirm, that no credit can be given to them on any account whatsoever.

The person was closely confined, and consequently in the hands of the government, so that he was at that time under the greatest apprehensions, which might, in some measure, prevent him from speaking truth, with that sincerity and candour, of which every person ought to be master, when he is examined on matters of such nice nature.

Though these papers were intirely given up by the counsel for the bill, yet the extract of them was read, and they are the visible foundation of this charge; and if they are insignificant, the whole accusation falls to the ground: For the whole proof of the bishop's dictating to Mr. Kelly, depends on Mr. Neynoe's bare affirmation.

The whole of what Neynoe says, or is sup-

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posed to say, is, that Mr. Kelly told him he wrote the bishop's letters for him; Mr. Kelly denies it, and Mr. Neynoe was so conscious that he had been guilty of many crimes, that he endeavoured to withdraw from justice, and the providence of God, it is said, intercepted him

My Lords,

If you will consider the improbabilities of this evidence, although it were upon oath, and signed by him, it cannot be supported. He tells you, that he was intrusted to draw up memorials to the Regent; yet none of those have been produced, and yet it is apparent the copies of them might with ease have been obtained, if he had been as thoroughly pressed to deliver them, as he was to declare he wrote them.

These memorials, he says, were wrote by the order of Mr. Henry Watson, whom he takes to be the late earl Marshal: And I am certain your lordships do not think that fact material, when you came to a resolution, that the bishop of Rochester should not be at liberty to ask, if enquiry was made of the said Neynoe, or if he gave any satisfaction to the lords of the council, touching that important fact of Watson's whom he took to be earl Marshal, lying with him several nights.

It was very well observed by a learned gentleman at the bar, That nobody can believe the late earl Marshal would have reposed so great a confidence in a person, who was intirely a stranger to him, and of such little note; and the Jacobite party must be in a low condition, when they make use of such a creature to write papers of that importance.

There is so much improbability in this and other points, and so much contradictions in several parts of his examinations, that they appear to me, and must to all reasonable men, as the dictates of fear, and not agreeable to truth.

He mentions, That the reverend prelate, (for such I still may call him) had some favours offered him by the court; but that cannot be true, and must be added to the rest of these absurdities.

But, My Lords, what in my opinion clears up all these matters, and makes it impossible for me to give the least credit to this, or any other part of the charge, are the several testimonies of Bingley, Skeen and Stewart.

I must observe to your lordships, That the two first persons, Bingley and Skeen, are actually now in separate custodies; and consequently, could have no communication one with another The third is at liberty; but his testimony is so thoroughly supported by Mr. Gordon and Mr. Kynaston, that no doubt can arise as to the veracity of it.

These gentlemen, who are in the hands of the government, are under hopes and fears, and therefore, it is certain, when they speak a language, which perhaps, may be disagreeable to those on whom they at present chiefly depend, it must be the spirit of truth that prevails.

Mr. Bingley was before us in the case of Kelly, and was also examined at the bar of the House of Commons, though not upon oath; and though he has been more severely treated, as he told your lordships, and more strictly confined since his first examination, yet he has persisted in his story; and though he was so long at your bar, and so many questions put to him, yet he never varied in any one circumstance, but appeared consistent through the whole course of his behaviour.

I shall not detain your lordships with recapitulating his whole evidence, for I did it very fully on a former occasion. But your lordships will remember, he told you, Neynoe abounded in money, which Neynoe said, after he was apprehended at Deal, an honourable person (and on this occasion, I hope, I may name him) Mr. Walpole, gave him; and more particularly, he mentions 50*l.* which Neynoe said he received the night before he went to France.

Bingley told your lordships, That Neynoe had assured him, he used to meet this honourable person in the Stable-Yard at Chelsea; and, my lords, The errand on which he was going to France, was to discover some secrets relating to cyphers, which he would have engaged Bingley to have done for him; and particularly, to get them if possible, out of Mr. Kelly; which, he said, could he obtain, would be of great advantage to him.

That Neynoe had declared to him, 'He would be even with Mr. Kelly, before he was aware of it,' or words to that effect; and that Mr. Kelly always seemed averse to any acquaintance with Mr. Neynoe, of whom he entertained a mean opinion.

That Neynoe's father refused him money, which makes it highly probable that his poverty was the occasion of his villainy; and that when he was taken at Deal, he had declared to him, Mr. Walpole expected to find the plot about him; and since Mr. Walpole could not, he must make one for him. Neynoe told Bingley, That this honourable person had vowed destruction to the bishop of Rochester, by saying, He would pull down the pride of this haughty prelate; which is sufficient to convince your lordships how little regard ought to be had to the hearsay evidence of so false a wretch.

Mr. Bingley says, That part of this account he had given to the lords of the council; and I could have wished, that his examination (as well as some others to the same purpose, which were taken about the same time) had been laid before the Parliament.

Mr. Skeen, who is also in custody, has deposed, That he lay in the same house with Neynoe, and had some conversations with him. That Neynoe had told him, What he had said of the bishop of Rochester was intirely false. And, That Mr. Walpole had offered him a considerable annuity to turn evidence; and had given him instructions before he was called in to the lords, what questions would be asked him, and what answers he

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should make; and threatened him with Newgate if he would not comply.

Skeen says further, That Neynoe swore (and I hope the reverend bench will, in such a case, permit me to repeat the words) by God, there were two plots; one of Mr. Walpole's, against the protesting lords, and one of his, to bite Mr. Walpole of money; and this seems to be the only time that ever Mr. Neynoe averred any thing upon oath.

To convince the world, what a creature this Neynoe was, he tells Skeen further, That once at lord Townshend's office, he had a great inclination to have stabbed the Chancellor of the Exchequer. He tells you, That Neynoe had wrote a paper to declare, that all he had said of lord Orrery was false.

My Lords,

The next witness was Mr. Stewart, who was unfortunately in custody when Neynoe was brought to town from Deal.

Stewart says, That he slept the second night with Neynoe. That Neynoe had told him what he had said of the bishop was false; and that Mr. Walpole had offered him a great sum of money, if he would swear to what he said, and turn evidence, which he declared he could not do. That Mr. Walpole had taken him into another room before he was examined, and told him what questions he would probably be asked, and what answers he should give. He says, That Neynoe told him also, that he had like to have killed Mr. Walpole, and so put an end to the plot: And that Mr. Walpole had given him a paper of directions, which he was to answer, in order to be a witness against the protesting lords.

As a confirmation of his testimony, Stewart says, He told this to Mr. Gordon before Mr. Neynoe was drowned, and to Mr. Kynaston before the meeting of the parliament.

Mr. Gordon confirms this part of his evidence, and assures your lordships, That he had heard it from Stewart before the death of Neynoe. And Mr. Kynaston, a gentleman of an undoubted character, lately a member of Parliament for Shrewsbury, has assured your lordships, That he was acquainted with Mr. Stewart's account of Neynoe before the meeting of parliament; and adds this circumstance, that when in the Appendix he saw those six questions printed, he shewed them to Stewart, who seemed rejoiced, and said, You see, Sir, what I told you is true.

Such concurring testimonies from persons kept so separate, and who are speaking against their own private interest, must have the greatest weight, and must at least prevent any rational and impartial person from giving the least credit to the bare hearsay of this Philip Neynoe.

If any doubt could remain, as to the validity of this testimony, it is sufficiently confirmed by the persons brought to disprove it.

The Chancellor of the Exchequer himself does not pretend to deny that Neynoe told these things, but only adds other circumstances to convince you of Neynoe's villainy; and assures you, That at the time he was receiving favours from him, he was thoroughly convinced he intended to cheat him, which was the occasion of his being apprehended. He owned the transactions between them before Neynoe went to France, and particularly the money mentioned by Bingley, which are proofs that Neynoe must have discovered these secrets, since they could not come from Mr. Walpole, and he and Neynoe only were privy to it. Mr. Walpole has shewn your lordships the foul draught of the questions mentioned by Stewart; and when he denies that part of Neynoe's declaration, relating to the instructions given him before the examinations, he owns he was twice alone with him, once the first night of his being brought to town, and the second time, when he gave him the paper of directions, which might be foundation enough for Neynoe to frame so notorious a falshood. The witnesses brought by the counsel for the bill, to the character of Mr. Bingley, seem rather to confirm it than otherwise; and all agree they never heard any thing against his morality. They indeed have said, he bore the character of a jacobite, and suffered for having dispersed a libel: But Mr. Baron Gilbert, who was his judge when that punishment was inflicted on him, has told your lordships, that his private life was not vilified at his trial, and that neither perjury or forgery was ever laid to his door.

Though the punishment he suffered was the pillory, yet it is the crime, and not the punishment, that makes the ignominy, and for this I can appeal to the learned judges.

In order to destroy the evidence of Mr. Skeen, they produced one Pancier, who tells you, That Skeen had revealed many secrets to him relating to the plot, and particularly of a military chest, which was collected to carry on these supposed designs, and support the Jacobites. But I presume every body who heard the two persons at the bar, could not but remark the steadiness with which Mr. Skeen denied these asseverations, and the confusion with which the other affirmed them.

Mr. Pancier seemed to drop something, which entirely destroys any credit that could be given to him, by saying, That he had owned to Mr. Skeen, that he was a friend to this administration, and yet has sworn, that after such a declaration, Skeen had still persisted in his story, and revealed some part of this intelligence to him. How far this is probable, your lordships are the best judges.

Mr. Pancier goes further, and tells you, That part of this conversation happened in St. James's park, in the presence of one Dufour. This Dufour was in the hands of the government, and I cannot conceive why we have never seen him or his depositions, when it would have been so easy to have brought this corroborating witness to Mr. Pancier's testimony.

I cannot but think, that the not producing this man's evidence is a strong circumstance to

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convince your lordships he did not agree in the same story with Mr. Pancier.

They also produced Skeen's attainder for the Preston rebellion; but there have been many acts of grace since, so that he is capable of being an evidence; and there has nothing appeared to traduce his character as a man of morals.

In order to shew your lordships, that Neynoe could not possibly make these confessions to Mr. Skeen and Mr. Stewart, the counsel for the bill maintain that they will prove Neynoe and the prisoners were not together after the first night.

This, my lords, would be very material, but I think it appears by the proofs brought to support this assertion, that they frequently have conversed one with another.

The first witness they called was Mr. Crawford the messenger, in whose house the prisoners were in custody were in custody, and, my lords, I cannot but say, it seems very odd, they should bring a man to swear he had done his duty; he has told your lordships, That lord Townshend had given him orders that Neynoe should be close confined; and if, after that, it should appear that he had neglected such directions, there is no question but that he instantly, and deservedly, would have been removed out of his employment.

This messenger, in this situation, tells you, That after the first night they never conversed, to the best of his knowledge; that Mr. Skeen called Neynoe a rogue of an informer, and spoke in very hard terms of him; which I indeed think it appears the fellow well deserved.

Crawford says, That Mr. Neynoe had some paper, two sheets of which he found missing. He likewise swears, That Mr. Stewart lay upon the stairs; and owns, he had at that time two servant maids.

Mrs. Crawford, his mother, swears, That, to the best of her knowledge, the prisoners were never together; That she kept the keys of the rooms herself, but used to send up the maid, Hannah Wright, with the dinner.—— Your lordships will observe that both this woman and her son swear to the best of their knowledge only, and are far from positive witnesses.

Hannah Wright, when she was first called, spoke in the same language with them, though she afterwards recollected herself better.

When the bishop came to rejoin, Francis Wood, Thomas Wood, and Mr. Russel severally say, That this Hannah Wright had declared to them, that she used to let the prisoners converse together whenever she had an opportunity, which was when Mr. Crawford and his mother were out of the way; and that she used to stand upon the stairs and give notice when any person came, that they might retire into their several rooms. And the other maid, whose name is Christian, has deposed, That Hannah gave the key of Neynoe's room to Stewart, and several times desired Stewart to go up to him, and that they were together an hour or two. And when Hannah was called a second time, she owned she was turned away for suspicion of having helped Neynoe in his escape; That she has left Skeen's door open, who lay near Neynoe; and that there was a large hole in Neynoe's door through which they might converse.

She said, That Neynoe gave her a paper, which she was to convey for him, but that it was taken out of her bosom, and burnt by one of the prisoners.

When Mr. Stewart said, That he sat upon Neynoe's bed the second night, and lay in the garret where there was a partition, but a communication between them; Hannah said, She could not be positive to that, but believes it true.

Mr. Crawford, when he was called to that point, according to his usual custom, denies it to the best of his knowledge.

Your lordships will now judge, whether the greatest credit is to be given to the belief of a messenger and his mother, who are swearing that they did their duty, or to the positive oaths of Skeen, Stewart, Gordon, Kynaston, Francis Wood, Thomas Wood, Russel, and Christian, confirmed by the confession of Hannah Wright, when she came to be cross-examined and confronted.

This, my Lords, concludes what has appeared at the bar, relating to Mr. Neynoe and his transactions, and I am pretty certain every impartial body must agree with me, that so far from giving the least credit to what he says, there have appeared such circumstances in the transactions which are now come to light, that must make the greatest caution necessary, before we believe any other part of the charge.

Your lordships will take notice, that Mr. Crawford confesses Mr. Neynoe had the use of paper, and found two sheets missing, and Hannah Wright owns she had a paper from him, which was burnt by one of the prisoners. This, my Lords, undoubtedly was the paper relating to lord Orrery, mentioned by Skeen in his evidence.

My Lords,

I am now coming to the great and only foundation remaining to this bill: If Neynoe's hearsay is not to be believed, which is the proof that was offered to shew that Mr. Kelly was the bishop's secretary, and used to write for him, and particularly, that the bishop directed three letters, which were wrote in Kelly's hand, and transmitted to France under cover to Monsieur Gordon le Fils.

Every body must agree, that unless the dictating of these letters be clearly proved, the bishop ought to be acquitted; and when, hereafter, this great affair comes to be canvassed by posterity, it will stand or fall as this fact shall be strongly made appear.

They first read Plunket's cypher, and Mr. Van Radike attests it to be his hand-writing.

When this piece of evidence was offered, people were at a loss to know what they intended to make of it, and little thought, that they should be drove to make use of Jackson,

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standing for the Pretender in that cypher, to shew that the letter directed to Jackson (one of the three before mentioned affirmed to be dictated by the bishop of Rochester to Mr. Kelly) was to the Pretender; I shall take notice of this extraordinary proceeding when I come to consider those letters. I shall only say now, that were Mr. Plunket's correspondence to be regarded, the plot is of a very deep nature, for he has had the impudence to insinuate the most ridiculous aspersions against the greatest men amongst us.

Three of his letters were read out of cypher, in two of which Mr. Johnson is named, that is, Mr. Kelly, but neither Mr. Kelly, or the bishop of Rochester are allowed places in his cypher, and consequently were not in the association with him. Johnson is only spoke of by Plunket, when he is mentioning domestic news, and in no other manner than might be in every newsletter that went by the general post.

My Lords,

In order to shew that the three letters sent under cover to Mr. Gordon le Fils, were Mr. Kelly's hand-writing, which they very justly thought was necessary to be made appear before they proved that the bishop was concerned in them, they produced a letter of the 20th of August, which a clerk of the post-office swears was stopped at the general post-office.

To convince us this letter is Mr. Kelly's writing, Hutchins the messenger says, to the best of his knowledge, it is Mr. Kelly's hand; and at the same time owns, he never saw him write till after his commitment, and then he stood by him while he wrote two letters, one to lord Townshend, the other to Mr. Delafaye; those letters were produced at the bar, and therefore every lord in the House is as good a judge of the similitude as the messenger, who has lately been restored into favour, on what account I cannot tell.

If Mr. Kelly, during his confinement, counterfeited and disguised his hand, then the messenger's evidence cannot be of any weight; and if he wrote as usual, then every person is equally capable of framing an opinion of it who sees the three letters.

The next witness is Malone, who swears, he has seen him direct letters, but cannot tell how long since he saw him write, or how often.

The persons who contradict this evidence are so positive, so clear, and so concurring in their testimony, that no doubt can rise upon it.

Mr. Bingley, when he was shewn this letter, swears it is not like his hand-writing.

Mr. Brown, a peruke maker, well versed and acquainted with his writing, when he was shewn the letter of the 20th of August, and the date of it hid, by the counsel for the bill (so that he could not know what paper it was before him) swears it is not his hand-writing: When the letter to Delafaye was produced, he declared, That was his hand writing: When another paper was shewn, (I think, it was the marriage articles) he said that was more like his hand-writing than that the 20th of August, but he did not believe it was wrote by him; and when they questioned him upon the letter to lord Townshend, he swore it was Mr. Kelly's hand-writing.

Mr. Pickering, who had occasion to know Mr. Kelly's hand, having lent him some money, and received several notes and letters from him during that transaction, does agree with Mr. Brown in every particular and most minute circumstance; which is a clear and evident proof, that this letter of the 20th of August was not wrote by Mr. Kelly.

The difference, which they tell your lordships, they observe between the cut of the letters in that of the 20th of August and the others, is, That one is longer and straiter, the other wider and shorter, which is obvious to any body that will look on both, and is a confirmation of their veracity.

The prosecutors of the plot might have proved this better, and not have been driven to the testimony of a messenger to support this great foundation of their charge. It is notorious what search they have made for evidence of all kinds; and as Mr. Kelly was educated in a college, they might easily have found credible witnesses to that point, if those letters had been wrote by him.

In the case of similitude of hands, when it has been the most clearly and positively proved, as on the trial of col. Sidney, it has been esteemed to be cruel, that a man should be convicted on such kind of evidence; and the attainder of that unfortunate gentleman was reversed for that reason.

In Sidney's Trial, his bankers swore, They used to pay bills drawn by him in the hand-writing they were shewn, and no persons could contradict them; and yet the sentence against him was a great blemish to that reign. The great lord chief justice Holt, in the case of Crosby, refused to admit it; and the lord chief baron Bury, on Francia's Trial, followed that example.

At present, give me leave to say, There is no evidence that it is Mr. Kelly's hand, and there is positive proof that it is not. Therefore, we who live under so equitable, just, and happy a government, can never convict a man, in these days of liberty, on such insufficient conjectures.

They next produced the three letters, which, they would insinuate, were wrote by Kelly, and dictated by the bishop, which were mentioned by me before, and which were sworn by the clerks of the post office, to have been stopped going to France.

The bishop desired to examine them relating to these letters being detained, and would fain have known who took them out of the mail; this he thought was proper for him to demand, since he seemed to insinuate, That he questioned their ever having been in the post-office. But your lordships would not suffer any inquiry to be made on this head, and voted it inconsistent with the public safety, and unnecessary for the defence of the prisoner, to permit any further questions to be asked in relation to this important affair,

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These honest gentlemen, the clerks of the post-office, have deposed further, That the papers produced, are true copies of the originals detained by them; though at the same time, they confess, they never examined them after they had copied them.

They positively swore further, That the originals were of the same hand with the letter of the 20th of August, though they affirm this barely upon memory, never having marked any letter in order to know it again; and one of them declared upon oath, that he did not believe there could be such an imitation of Kelly's hand as could deceive him, though the whole House agrees, that hands may be counterfeited so as to deceive the men that wrote them.

They own, they never compared two original letters between the 20th of August and the 20th of April, though they might have stopped a letter one post, without prejudice to the government, in order to be more certain in their evidence.

Thus, my Lords, should this bill pass, this great man must fall by the dependance this House must have on the memory of these clerks.

Mr. Lewis, who has long served in the secretary's office, tells us, That frequently letters and seals used to be counterfeited; and, in a more particular manner, by one Brocket, who excelled so much in this art, that he has cheated many persons, and has so far deceived them, that they have not known his copy from their own originals.

When these letters, thus attested, came to be read, they are in cypher, so that it must again depend on the honesty of a decypherer, before they can possibly be made treasonable.

Mr. Willes declares, They were truly decyphered according to the best of his judgment and skill; and more particularly, that the number 1338, which is subscribed to the third letter directed to Jackson, stands for the letter R. But when some lords asked him a question, which perhaps had he answered, might have proved him to be under a mistake; he refuses to give an answer, either in the affirmative or negative, for fear of revealing his art. Your lordships thought proper to prevent any further cross examination of this gentleman, by a resolution.

Mr. Willes says, He shewed these letters decyphered to my lord Townshend before he communicated them to Mr. Corbiere, who is a clerk, in the secretary's office, and then says, That Mr. Corbiere and he agreed.

Before these letters can yet prejudice the bishop, the cant names in them must be explained according to the key which the prosecutors of the plot have made; and in order to it, we must believe, that Jackson stands for the Pretender, because Mr. Plunket gave him that title in his cypher. Can there be a greater absurdity than to imagine a person of the bishop of Rochester's capacity, should borrow a name of that consequence, from so insignificant a wretch as Plunket, who it does not appear ever saw him?

Indeed, the counsel for the bill did not read these letters against the bishop, since they had no proof of his dictating of them, and they were only read on account of the general conspiracy.

I must observe, it was a great artifice of these learned gentlemen, Whenever there was a piece of evidence to which the bishop objected, they constantly pretended they produced it to the plot in general; for they knew it could not be admitted against the reverend prelate; but yet when they came to sum up, they applied them to this particular case, which is not agreeable to that candour that is necessary on such occasions.

If your lordships should be of opinion, that Kelly wrote them; that they were stopped at the post-office; that they were duly copied; that they were truly decyphered, and the cant names explained, yet still this cannot affect the Bishop, unless it be fixed upon him that he dictated them: Two of them were signed Joues and Illington, and to induce your lordships to believe the Bishop was guilty, as they affirmed, they endeavour to prove those names must denote him; and in order to it, they read some letters, affirmed in the same manner (as before mentioned) by the clerks of the post-office, to be his hand-writing; but first they read a cypher taken upon Mr. Dennis Kelly, and sworn by the messenger Hutchins to be wrote by George Kelly.

I can observe nothing upon this cypher, but that the bishop of Rochester is not mentioned in it, which seems very extraordinary, and is not a proof of the reverend prelate's being engaged in a conspiracy.

The letters they read of Mr. Kelly are of no moment, and are only calculated to fix the names of Jones and Illington upon the Bishop.

They give an account of his lady's death, the Bishop's own illness, his going to and from Bromley; and in some of them, the dog Harlequin is mentioned.

It seems repugnant to reason, that in a treasonable correspondence of this importance, a gentleman should venture his life to give an account of the state of one person's private affair, and entertain his friends abroad with no other business in such a tract of time.

In the letters directed to Mr. Andrews at the Dog and Duck, which are proved to have been received by Mr. Kelly, Jones and Illington are not named; and those in which we find them, were such as passed through the post-office, and were attested like those under cover to Gordon le Fils.

It is not likely, that in a transaction of so secret a nature, Mr. Kelly should take such pains to give such a description as might give the least room for a suspicion that the Bishop was concerned; much less to have mentioned so many particulars, as it may be suggested he has done, if there could be any possibility of wresting the meaning of Jones and Illington,

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and interpreting of them to mean the Bishop.

William Wood, the Bishop's coachman, is brought to prove the particular times of the Bishop's being in or out of town, in order to shew, that they agree with the times mentioned of Jones and Illington in the intercepted correspondence; and he refreshes his memory by a book of Memorandums, which might have been destroyed, if it had been apprehended by the Bishop's friends, that such evidence could affect him.

What they next attempt, was to shew, That the dog brought over by Mr. Kelly from France, and which Mrs. Barnes swears, That he once told her was for the bishop of Rochester, was a strong circumstance to fix the name of Illington on the Bishop.

My Lords,

Mrs. Barnes, who is under the custody of a messenger, is the only witness to this point, and what she says, is only hearsay from Kelly: She owns that Kelly never told her so but once, and that was when she thought to have kept it for herself; and, indeed, it might be barely an excuse to prevent his parting with it, for he had promised to bring her such a present before he went to France.

She owns, that to her knowledge, the Bishop never saw the dog, nor sent any message about it, which seems to be very extraordinary, that if this present was of such great consequence, he should not have had curiosity enough, at least, to see it: An affidavit was read from Birmingham, a surgeon in Paris, which says, That he gave this dog to Mr. Kelly, for Mrs. Barnes.

Before I leave this circumstance of the dog, it is proper to observe another great improbability, which is, in a letter wrote a few days after the death of the Bishop's lady, it is said, Mrs. Illington was in great tribulation for the loss of poor Harlequin; and can it be supposed, that at a time when the Bishop was in affliction for the death of his wife, he should indecently discover so much grief for such a trifle.

I think this is sufficient to convince any person whatsoever, that this correspondence is of a very extraordinary nature.

Mrs. Barnes has told your lordships, That Mr. Kelly came from France the 11th of April.

My Lords,

I am now come to the only piece of evidence that seems particularly levelled at the Bishop: Which is, The proof that has been given of the dictating those letters; and unless this be clearly and plainly made appear, I cannot conceive that any thing can be laid to this prelate's charge.

Unless it is evident, that the Bishop did dictate as alledged, I cannot think any of your lordships can vote him guilty according to the rules of justice; for no man is safe either in his life, liberty or fortune, if he may be deprived of either, on account of a correspondence, in which it does not appear he was concerned. Though your lordships should so far credit the precarious evidence at your bar, as to believe that Jones and Illington stood for the Bishop of Rochester; yet, unless it is plain, that it was with his privity, it is certainly impossible this bill should pass; and if it should, it will hereafter be in the power of any two men, one at home, and one abroad, to ruin the most innocent person, by entering, without his knowledge, into a correspondence of this nature.

If the being named in treasonable lettters, be a crime, though it does not appear it was with the privity of such persons, I will submit to your lordships, how far men of the greatest zeal to the present establishment, are to be affected by Mr. Plunket's insinuations.

No man ought to suffer for the suggestions of another person, unless it appears he has given great foundation for them. And in this case, would it not be most extraordinary and most unjust, to punish this reverend prelate, for a crime which there is no proof he ever committed? I mean, the dictating of these letters: And if on the other hand, the unfortunate circumstances of his affairs has furnished him with means of shewing, beyond contradiction, that he could not be concerned in the letters of the 20th of April; that for a considerable time before, he could not see Mr. Kelly: and that there never was an intimacy between them; then, my lords, I hope, every man who gives his vote for the rejecting this Bill, has the strongest evidence of his side to support his opinion; and need not be afraid or ashamed to own it here, or any where else.

This part of the evidence being of great consequence, I must beg your lordships' attention, whilst I recapitulate the heads of it as clearly and distinctly as possibly I can.

The first witness they called was Flower, a chairman, who swears, That he carried Kelly twice or thrice to the deanry, but that the bishop was never at home, and consequently did not see him. His partner swore, He had carried him with Flower one of those times.

The next person produced was a porter, one Vanlear, who deposed, That he went about Christmas was twelve months twice with messages from Kelly to the bishop; the last of which times he carried some beaver stockings; that the bishop sent for him up stairs, gave his service to Mr. Johnson, and thanked him for his present.

Mrs. Kilburne, at whose house Mr. Kelly lodged, says, That once a servant came from the bishop, to know how Mr. Johnson did, and was sorry he could not have his company to dinner.

William Wood, the bishop's coachman, says, He once stopped in Bury-street, but does not know for what, and that the bishop sent a servant somewhere, who presently returned. And,

Lloyd, who keeps the Star and Garter in Palace-yard, has told us, That Neynoe once came to his house, and told him, he staid for an ingenious gentleman, who was gone to the bishop of Rochester's house.

This, my lords, is all the proof they offered

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of this intimacy, from which they would infer, That the bishop dictated these letters, and is consequently guilty of the crimes laid to his charge.

If your lordships consider what was produced on the other side, I am sure you must agree there is no foundation from this assertion.

Mrs. Kilburne denies, to the best of her knowledge, that the bishop ever came to her house, or that his coach ever stopped there, or ever was sent for Kelly.

That Kelly did not go out of town from the time he came from France, untill he was taken up, the 19th of May, and never lay out of her house one night.

This, my lords, was confirmed by her maid Anne Ellis.

Mrs. Barnes says, She never heard of any message from the bishop to Kelly, nor ever had any conversation with him about the bishop.

William Wood, the coachman, who lived with the bishop four years, has declared, That the bishop of Rochester never sent him with his coach to Bury-street to fetch any person from thence; that there was no stranger at Bromley for a fortnight before his lady died, which was the 26th of April; that no body could come in a coach, or on horseback, but he must know it; that he never saw such a person as Mr. Kelly, until he was shewn him at the Tower; and that the bishop went ill of the gout to Bromley the 12th of April, and did not return to London until the 7th of May.

Malone, Mrs. Barnes's servant, says, That she never saw the bishop, or any of his servants, with Mr. Kelly.

Thomas Grant, who has been the bishop's servant nine years, has declared, That the bishop went to Bromley the 12th of April very ill of the gout, and that no stranger could come to him from the time he went to Bromley until after his wife's death: that one or other of the servants always sat up with him; and that no person could visit him, but they must know it, for they were either in the same room, or the next room to him; and that no stranger, except Dr. Aldridge and the apothecary, came near him. Grant says, That he was forced to go to town to attend at the Westminster election of scholars on the 21st of April, but left Beauchamp there, who came down for that purpose on the 18th.

Beauchamp and Steene, who were the two servants that attended with Grant, swear the same thing.

Susannah Harvey, Sarah Jones, Thomas Farnden, Elizabeth Higginson, and all the servants agree, that they never heard of any person by the name of Kelly or Johnson's being with the bishop. And,

Mrs. Inglish, who took the names of the bishop's visitors for many years, does not remember that she ever heard of such a person as Kelly or Johnson. And I doubt not but that every lord must allow, that it is not possible to have a more clear, a more strong, or legal proof to a negative than this is.

I must observe to your lordships, that most of these servants have been in strict custody, and severely used, particularly Farnden, and yet your lordships see how unanimous they are in their evidence; and their testimony is so positive, that I cannot conceive any person can suggest there was the least intimacy between this reverend prelate and Mr. Kelly; and much less, that he could be with him to write the letters that are dated the 20th of April.

Mr. Reeves did, indeed, so far agree, as to be of opinion, that they might have been wrote the 11th of April, which was the day Kelly came from France: But, my lords, Mrs. Barnes has deposed, he went to bed the minute he came home, and lay there for a considerable time, besides, it is improbable, that letters wrote the 11th, should not be sent till the 19th. But if any farther argument was necessary to confute this absurd supposition, the earl of Sunderland's death is mentioned in the letter to Chivers, and that noble lord died the 19th, at which time it has been proved, Mr. Kelly was not with the bishop.

The bishop of St. Asaph did, at first, peremptorily contradict one part of Mr. Grant's evidence, by saying, He had received a letter from the bishop of Rochester at the time which Grant has sworn he was so ill of the gout that he could not write.

His lordship positively affirmed, That he received this letter on Saturday the 21st of April in the morning, and saw Grant in London between twelve and two: But when it was proved that Grant did not leave Bromley till the evening of that day, and that another person officiated for him as butler in the deanry, by reason of his absence, then the bishop seemed to think himself under a mistake, and allowed it might have been some time before.

His lordship owned he never received a letter from the bishop of Rochester before nor since, and therefore was a stranger to his hand.

I could have wished this reverend prelate had recollected himself more fully, before he had given his testimony in a matter of this great importance to one of his brethren.

There was another witness examined, which was Crofton the shoe-maker, to prove that Talbot (who was said to have received the three letters directed to Gordon le Fils) was at that time in London, when he was supposed to have been in Bologn. Crofton swears he saw him in town the 29th of April, and proved it by his book.

There was another person called, whose name was Donner, that deposed, Gordon owned to him the receiving of this packet; but an affidavit was produced from Gordon, in which he denies it. Donner's evidence is only hearsay, the other is positive.

My Lords,

The Counsel for the bill produced some papers which were taken in the bishop's custody when he was apprehended, and endeavoured to draw very ill-natured and forced constructions from them.

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The first was a letter from the duchess of Ormond, in which she acquaints him, That she had something to send him, which she could not trust to a better hand, or words to that effect. And this they would pretend to insinuate were some treasonable papers.

I appeal to all mankind, whether it is not very extraordinary to suppose, that the bishop should be presumed to convey a traiterous correspondence through that channel. Every body knows the friendship which was between the reverend prelate and that family, and it is not surprising that this unfortunate lady should think him a proper person to consult, and intrust with her own affairs. Therefore I cannot think that these general expressions can at all affect him.

The next they read is a paper found, or pretended to be found, at the Deanry, subscribed to Dubois, but without date; in this the person who writes it, says, He received a letter by Mr. Johnson, to which he returned an answer in his hand.

The Secret Committee at first apprehended, that this was received by the bishop, and thus it passed, untill upon seizing a letter wrote in the Tower by his lordship, they found a similitude in the seals, which immediately enlightened them, and then it was presently said to have been wrote by the bishop.

They then wanted to fix this to be the bishop's own hand-writing, and they could find no other way of doing it, but pretending there was a similitude between the E's in this letter, and those which the bishop generally used. I believe it is the first time that ever such an argument was brought to prove that the whole letter has been wrote by a person; much less was it ever pretended to be offered to a court of justice against any prisoner whatsoever; but I believe there is no man acquainted with the bishop's hand, but sees it is not wrote by him.

They would also affirm, that when in this letter the bishop is supposed to say, That he returned an answer in Mr. Johnson's hand, it must be understood to be his hand-writing; which, I must confess, does not at all appear to be a necessary conclusion; for he might deliver his answer into Mr. Johnson's hand, which, I think, is more natural to suppose than the other.

Your lordships must judge, how improbable it is, that the bishop should keep such a letter by him, which he wrote himself; or that, when such care is taken as the prosecutors of the plot themselves say, for preventing any person's discovering the intimacy between Mr. Kelly and him, such a secret should be trusted in writing, and even without a cypher. The two seals which gave this turn, are Cicero's heads, which are very common, and are to be found every where. They are, one broke, the other whole, which must make it very difficult to judge of them; and it is allowed, that, at best, it is but precarious evidence.

If Mr. Neynoe speaks truth, when he said, That the bishop had notice of the storm that threatned him, I am certain, that this paper, if it could have been apprehended of consequence, would have been destroyed; but, I believe, it was impossible for him, or any body else, to think it should meet with such an explanation.

The next letter they produced, which they seemed to think material, was that which was seized on his servant going to Mr. Morice: In this he says, That the evidence of Plunket, and those people, could not affect him; but as he does not mention Mr. Kelly, they would have it presumed, that this is a proof that Kelly could have said something of him; but I think, this must appear to be a very ill-natured assertion.

Your lordships will consider, he was then writing to his son-in-law, and therefore no great accuracy was necessary.

In another place he says, That if they impeached him, he should remain in prison for some time; and this they would decypher to be an implication of his guilt. But, in my poor opinion, it is the reverse; he seems to say, That if the Commons should be induced to send up an impeachment against him, he was so satisfied of his own innocence, and your lordships' justice, that he thought the confinement untill his trial would be the only misfortune that could attend him. The example of the earl of Oxford was recent in his memory, and might justly create in him a fear of undergoing a long imprisonment.

It is objected, That he, in this letter makes no protestations of his innocence: But if you will consider he writes to Mr. Morice, I believe every body will agree, that such declarations were not necesary.

Mr. Layer's Attainder was read, but it does not appear, that the bishop had any correspondence with him, therefore I cannot conceive why we were troubled with it.

My Lords,

I have now gone through the whole evidence that is brought to justify this extraordinary proceeding, and must observe the steps that have been taken to procure all the possible means to work the destruction of this great man.

You have seen his very servants confined, who, it does not appear, were guilty of the least glimpse of treason.

Lawson, a baker of Bromley, who appeared at your bar, has been employed to examine the persons in the bishop's neighbourhood, in order to find the least particular that could amount to the shadow of a proof, and went so far as to offer Wood the coachman the wages that were due to him, if he would have gone the lengths that were required.

Mr. Bingley told us in the case of Kelly, (and as it has not been disproved, it is to be taken for granted) that a warrant was shewn by the messenger, signed by a Secretary of State, to carry him to Newgate, which he was told was unavoidable, unless he would own the letter of the 20th of August to be Mr. Kelly's hand writ-

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ing; but it appeared the next day to be nothing but in order to terrify him.

Mr. Kelly himself has told your lordships, That Mr. Delafaye offered him his own terms, if he would have turned evidence. And this was done to destroy the bishop of Rochester; or, to speak in the language mentioned at your bar, to pull down the pride of this haughty prelate.

Your lordships may remember, that Mr. Wearg objects to the bishop's servants, because two of them had employments, as appears by his lordship's own letter; but, my Lords, when they were examined, they acquainted the House, that it was upon reading of the Report that they recollected the bishop's circumstances before the death of his wife: And if every man, who has a place under the bishop, is not to be esteemed a free agent when he is upon oath, I hope it will be allowed on the other hand, that those who have employments under the government, ought not to be admitted; then all the witnesses that have been brought to support the bill, from the decypherer to the messenger, will be discredited, and the whole prosecution must fall to the ground.

My Lords,

It has been a hardship that has attended the bishop, that he has been forced to prove a negative; and the difficulty has been the stronger upon him, that your lordships have not permitted Mr. Kelly to be examined, as was moved by a learned lord * in my eye; and if the gentleman had sworn what he so solemnly affirmed at your bar relating to this affair, I cannot conceive we could have had the least debate.

The noble lords who appear the most zealous in this prosecution, were those who opposed the examination of Mr. Kelly, which, in my poor opinion, is a strong argument, that if he had been brought before us, he would have persisted in his declarations of the bishop's innocence.

The reverend prelate has desired of any lord in the administration, and even the honourable person who appeared at your bar, to declare, whether any one single person had charged him (on their own knowledge) of being guilty of any treasonable practice: And it has appeared to the contrary; therefore this whole charge is founded upon the slight circumstances and improbable inuendos before mentioned.

Another objection which was raised, is, That Mr. Kelly made resistance, when he was seized, till he had burnt some of his papers; but my Lords, I do not see any reason to lay this to the charge of the bishop.

Kelly is to answer for his own actions, and is unfortunately like to suffer for them; a person of his age might have many letters in his custody, which he did not care should be seen, and yet of a different nature from a traiterous correspondence.

After this evidence is considered, I cannot think your lordships will establish such a precedent, which hereafter may be employed to ruin the greatest amongst you: And if ever hereafter pains and penalties are unjustly inflicted on any person, posterity will derive the original of such bills from the proceedings of this parliament; and what opinion will be framed of us, should this be passed into a law, I submit to every impartial person.

It must be left to your lordships' consideration, which will be of most fatal consequence to the public, the leaving this precedent (of condemning on such kind of evidence) like a sword which your enemies may take up when they please, or the banishing the bishop of Rochester, in the evening of his days, who alone could do, in his single person, no prejudice to the constitution: If he were inclined to overturn it, as his enemies suggest, he is in a better situation abroad than at home, to execute that design, and direct the counsels of the disaffected. The ruin of one man will not heal the wound that the passing of this bill seems to make in the government of this kingdom.

It has been said in the debate, that the bishop ought to have made protestations of his zeal for his majesty and his family; but, I think, he took the most ready way of performing his duty, when he shewed himself innocent of the crimes laid to his charge.

If he had made use of any expressions, which those lords blame him for omitting, the same good nature would have called it hypocrisy; and those who are displeased with his silence, would have accused him of insincerity.

My Lords,

This bill seems as irregular in the punishments it inflicts, as it is in its foundation, and carries with it an unnatural degree of hardship.

It is felony for his children to correspond with him: And in this circumstance, it is different from the only bill that carries with it the least resemblance of this; I mean, that for the banishment of the earl of Clarendon.

The earl had flown from the prosecution, and retired beyond sea. The Charges against him were, principally, 'For advising a standing 'army;' and another article exhibited was, 'That he had advised and procured divers of 'his Majesty's subjects to be imprisoned against 'law, in remote islands, garrisons, and other 'places, thereby to prevent them of the benefit 'of the law, and to produce precedents for the 'imprisoning any other of his Majesty's subjects in like manner.'

The 7th Article against him, was, 'That he 'had, in a short time, gained to himself a 'greater estate than can be imagined to be 'gained lawfully in so short a time; and contrary to his oath, he hath procured several 'grants under the great seal from his Majesty, 'for himself, and his relations, of several of his 'Majesty's lands, hereditaments and leases, to 'the disprofit of his Majesty*.'

There need not have been any witnesses of these crimes, for they were apparent; and

* Lord Lechmere. See p. 290.

* See vol. 4. p. 377.

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every body knew that he was prime minister; yet sir Francis Goodyere, upon that debate in the House of Commons, declared the sentiments which I expressed at the beginning, 'That he 'was not against proceeding, but unsatisfied to 'do it without witness, it being like swearing 'in *verba Magistri*.'

Another great man*, upon the same question, and an ancestor to a noble lord near me, said; 'That if the parliament set aside law in this 'case, we should be happy to see law declar-'ing the power of parliaments.'

The punishment for corresponding with the earl, was high-treason, and then two positive witnesses were necessary to convict; but, in this case, one corrupt, terrified, and perjured person, may take away the life of the most innocent man.

There is another great misfortune which this bill brings upon the bishop, which is, that he is incapable of receiving his Majesty's pardon: This, my lords, is an entrenchment upon the prerogative: And what must make it the more severe in this case, is, that his Majesty's inclinations to mercy (which are the distinguishing characters of his life) are stopped by this law, which the unfortunate prelate might have hopes of receiving, when he had merited it, by a dutiful behaviour to the country that had sent him to wander abroad in exile, and by his future conduct have confirmed, if possible, the evidence he has given of his innocence.

My Lords,

In the case of the earl of Danby, your lordships have declared, That his banishment should be no precedent, nor draw into example for the time to come, and have so entered it in your journals.

It has been proved that this reverend prelate was at the time that he was suspected to be acting treason, engaged in studies of the most high nature, which is a circumstance that ought to have some weight.

If this bill pass into a law, such evidence is established, and such a method of proceeding introduced, as must effectually render all that is dear to us precarious; and if ever, hereafter, we should see a wicked administration, supported by a corrupt majority in parliament, this step, taken in these times of liberty, will be sufficient precedent to give a colour of justice to the actions of those who should be wanton in tyranny.

The reverend prelate, who spoke before me, mentions some cases relating to bills of attainder, which, in my poor opinion, differ very much from our present question.

The attainder of sir John Fenwick, was only to supply the want of a witness, who had deposed against him upon oath before the grand jury, and who was spirited away by the prisoner's friends: But at present, your lordships are to supply the defect of evidence, by condemning on improbable conjecture. There was a noble lord in this House the other day, I do not see him now, who made the greatest figure in opposition to that bill*, I wish we could have his assistance on this occasion.

My Lords,

Since that reverend prelate has quoted some cases, he will permit me to remind him what has been formerly said upon acts of attainder; that such bills, like Sisyphus's stone, have frequently rolled back upon those that were the chief promoters of them.

This prudential argument should restrain us from being too forward with them at this time of day.

The act for the attainder of the earl of March, passed, because he had been instrumental in procuring the attainder of another lord, under pretence of a letter, which the record says was no evidence.

The lord Cromwell is another known instance of this observation; he was the first who advised this violent proceeding in Henry 8th's time; and it is remarkable, that the advice he gave to the ruin of others, proved, not long after, fatal to himself.

I have now given your lordships the reasons why I am against the bill. I fear I have tired your patience, and shall therefore conclude with the words of the great man I before mentioned; I mean, sir Heneage Finch, in the case of the earl of Clarendon.——"We have an accusation upon hearsay, and if it is not made good, the blackest scandal hell can invent, lies at our doors."*

His Grace was strongly supported by

The Lord *Bathurst*, who took notice of the ungracious distinctions that were fixed on the members of that assembly, who differed in opinion from those who happened to have the majority: that for his part, as he had nothing in view but truth and justice, the good of his country, the honour of that House, and the discharge of his own conscience, he would freely speak his thoughts, notwithstanding all discouragements: that he would not complain of the sinister arts that had been used of late to render some persons obnoxious, and under pretence of their being so, to open their letters about their minutest domestic affairs; for these small grievances he could easily bear; but when he saw things go so far, as to condemn a person of the highest dignity in the church, in such an unprecedented manner, and without any legal evidence, he thought it his duty to oppose a proceeding so unjust and unwarrantable in itself, and so dangerous and dismal in its consequences. To this purpose, he begged leave to tell their lordships a story he had from several officers of undoubted credit, that served in Flanders in the late war. "A Frenchman, it seems, had invented a machine, which would not only kill more men at once, than any yet in use, but also disable for ever any man that should be wounded by it. Big with the hopes

* Sir Heneage Finch, see vol. 4. p. 375.

* Lord Harcourt. See vol. 5. p. 1016.

* See vol. 4. p. 376.

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of a great reward, he applied to one of the ministers, who laid his project before the late French king; but that monarch, considering that so destructive an engine might soon be turned against his own men, did not think proper to encourage it, whereupon the inventer came over into England, and offered his service to some of our generals, who likewise rejected the proposal with indignation." The use and application of this story, added his lordship, is very obvious: for if this way of proceeding be admitted, it will certainly prove a very dangerous engine: no man's life, liberty, or property will be safe; and if those, who were in the administration some years ago, and who had as great a share in the affections of the people, as any that came after them, had made use of such a political machine, some of those noble persons, who now appear so zealous promoters of this bill, would not be in a capacity to serve his Majesty at this time. His lordship added, that if such extraordinary proceedings went on, he saw nothing remaining for him, and others to do, but retire to their country houses, and there, if possible, quietly enjoy their estates, within their own families, since the least correspondence, the least intercepted letter, might be made criminal. To this purpose his lordship quoted a passage out of cardinal de Retz's Memoirs, relating to that wicked politician, cardinal Mazarin, who boasted, "That if he had but two lines of any man's writing, with a few circumstances attested by witnesses, he could cut off his head when he pleased." His lordship also shrewdly animadverted on the majority of the venerable bench, towards which turning himself, he said, He could hardly account for the inveterate hatred and malice, some persons bore the learned and ingenious bishop of Rochester, unless it was that they were intoxicated with the infatuation of some of the wild Indians, who fondly believe they inherit not only the spoils, but even the abilities of any great enemy they kill.

The Lord *Strafford* spoke on the same side, as did also

Lord *Trevor*, who urged, That if men were in this unprecedented manner, proceeded against without legal proof, in a short time men would be tried, as they were liked by ministers: that for his own part, he believed he stood but indifferently in the opinion and liking of some persons, and therefore he had reason to think himself the more in danger, because at present they wanted the protection of the law, [meaning the Suspension of the Habeas Corpus Act] and as in a short time, they were like to be so unhappy as to be deprived of his Majesty's personal protection, and were still liable to be confined upon suspicion, which he took to be no more than will and pleasure; they were consequently at the will and pleasure of the ministers: That, however, no apprehension of what he might suffer should deter him from doing what he thought his duty: that, consonant to that principle, he had all along, and still opposed these extraordinary proceedings, which tended to lodge an exorbitant power in their fellow-subjects: That if he were to lose his liberty, he had rather give it up to one single tyrant, than to many: for a tyrant, if a man of common understanding, would, for his own sake, be tender of the lives of his subjects; whereas many tyrants would endeavour to destroy one another, to get one another's employments.

The Earl of *Finlater* endeavoured to shew, That the evidence that had been produced before them, being sufficient to convince any reasonable man, that there had been a detestable Conspiracy; and that the bishop of Rochester had a great share in it, was likewise sufficient to justify this extraordinary proceeding against him, especially since they inflicted on him so light a punishment, considering the heinousness of his crime.

The Duke of *Argyle* pursued the same argument; run through and confuted the most essential parts of the Bishop's defence; and, with vehemence, aggravated his offence, by which he had debased his holy function and character, and acted contrary to the solemn and repeated oaths he had taken.

The Lord *Gower* spoke against the Bill.

Lord *Lechmere*, who had all along expressed his dislike of these extraordinary proceedings, declaring it as his opinion, that there was sufficient evidence to support the charge. He was answered by

Lord *Cowper*, who spoke as follows:

My Lords,

This debate has been already carried to that length, and is by all agreed to be of such importance, that I am sure your lordships will permit me to enter into it without any apology.

I am, my lords, against this bill, not only because I think nothing has been offered sufficient for the support of it, but because I think the honour and dignity of the crown, the dignity and authority of this House, and the credit and reputation of the House of Commons, concerned in the event of it. My lords, The proceedings of that House have been, in this case, very remarkable and uncommon: They voted the bishop guilty of high-treason the very first thing they did; and it was reasonable to expect, that the consequence of that vote would have been an order for an impeachment in parliament, or a prosecution in the ordinary course of law. But, my lords, we see they have taken another method, and that without weighing what the consequences might be. They have taken a method, whereby they have made themselves both judges and accusers. They could not, as judges, decently proceed against the bishop, without hearing him, and therefore they gave him a day for that purpose, and thereby they discovered the dilemma into which they had run themselves. They found themselves obliged to hear him, and yet they could not acquit him, because they had already prejudged him. It is not therefore to be wondered that they have passed this bill;

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though, I believe, they would be very well pleased your lordships should reject it, that the knowledge of their having taken so wrong a step, might the sooner be forgotten.

My Lords,

A great deal has been said, and surely too much cannot be said, to shew that this bill is an infringement upon the authority of this House. It becomes your lordships to support your dignity, and to shew a suitable resentment, when the least of your privileges is invaded. Your lordships, upon this occasion, would do well to follow the example even of this very House of Commons: How contemptuously did they throw out a bill lately sent them, because they thought it looked like a money bill? And will your lordships suffer them to share your authority, to become judges equal with yourselves, when there is no necessity for it? In this case, it is manifest, there can be no necessity, because the bishop is amenable to justice: He has been confined several months; he is now strictly guarded; and, no doubt, the zeal of the governor will prevent his running away. But, my lords, if it could be supposed that this bill did not affect your lordships' authority; yet if it affects the honour of the crown, I am sure, it will raise a becoming indignation in us all against it. This bill, if your lordships pass it, will put his Majesty under the unavoidable necessity of refusing the royal assent to it, or of condemning one of his subjects, a lord of parliament, and a bishop of that church of which his Majesty is guardian and protector, in a case at least doubtful; and that without hearing one word either of the charge, or of the defence. My lords, It hath been often said, (I wish it were said without grounds) that we have a disaffected party amongst us. I am persuaded, it is far from the intention of any lord here, to advise his Majesty to do any thing that might possibly increase that disaffection: But whether the passing of such a bill against a bishop of the church of England, unheard, may not give a handle to the clamorous, to raise an odium against his Majesty's administration, is submitted to your lordships. His Majesty's great clemency and mercy are known to all the world; and he has been in nothing more conspicuous, than in the exercise of those royal virtues: supposing, then, your lordships should pass this Bill, how can you ever hope for the royal assent to it? These objections, that concern the king, appear to me unanswerable, not only with regard to this bill, but to all bills of attainder in general. I think they ought never to be allowed, but when the offender flies from justice, or is in open rebellion; and then, perhaps, the notoriety of the fact may be some excuse for the extraordinariness of the proceeding.

My Lords,

I expected to have heard from that reverend bench many arguments of another kind against this bill, which are properly within their sphere, and which I am sure they are perfect masters of. The old champions of our church used to argue very learnedly, "That to make or to degrade bishops was not the business of the state; that there is a spiritual relation between a bishop and his flock, derived from the church, with which the state has nothing to do:" But this bill derives the bishop of that spiritual relation, without the concurrence of the church. The parliament alone does it; and it must be owned, that if the parliament can do it, they can as well make a new one in his room; and a clause for that purpose, added to this bill, would as effectually do the one as the other. What the thoughts of our reverend prelates are upon these points, does not yet fully appear; something of their conduct intimates, as if our old divines were mistaken: But, be that as it will, as the judgment of our prelates will carry great weight, and as the reasons for such their judgment must needs be convincing, I do not doubt but they will give your lordships full satisfaction before this debate comes to a period. In the mean time, I speak my concern, that if acts of parliament are made to interfere with church-affairs: if bishops are to be put in or turned out at pleasure; and all this to be done without the concurrence of the church, the world abroad may, though unjustly, look upon our church as a creature only of the state, and treat our bishops, as if they were no more than state officers. I hope, however, from the courage, zeal, and conduct of our present reverend prelates, whatsoever becomes of this bill, that they will be able to wipe off any such scandal: They certainly have the honour, the dignity, and authority of our church always at heart; and every thing tending to her interest, they will most zealously promote. But whether the passing of this bill promote her interest, or be of any service to her, they best know: For my part, I cannot even guess at any advantage she possibly can receive by it, unless it be this, That it will make the bishoprick of Rochester, and the deanry of Westminster, to become vacant.

My Lords,

This bill carries in the frame of it an invincible objection to it; for the preamble and the enacting part, the crime and the punishmen, bear no proportion to each other. The preamble contains a charge of high-treason against the bishop; and, pray, my lords, why should he not be punished accordingly? Is it because he is a bishop of the church of England, or a lord of parliament, or in high favour with the king or his ministers? I have not heard that the bishop hath been at court of late; but be it either of these, it would be so far from being a reason for mitigating his punishment, that it ought, if possible, to increase it. My Lords, Our laws have wisely taught us to have a just abhorrence of high-treason, and have ordained for it the severest punishment that English clemency will admit of; and shall he, who has been voted the principal contriver and director of this most horrid and detestable treason, escape with a punishment less than his

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crimes deserve, and that too in full parliament? Methinks, if it were necessary that the legislature should interpose in this case, the heinousness of the offence should fire their resentment; and instead of abating the punishment, should put them upon heightening it with all the circumstances of severity that their wisdom could contrive. As in the case of the late South-Sea directors: No one will say, but that they might have been punished as cheats, without the help of an act of parliament; but as the punishment ordained by our laws for such offences came not up to the aggravating circumstances of their guilt, a law was made to punish them on purpose; and they were justly stripped of their estates, who had before so notoriously cheated, bubbled, and beggared the whole nation. What reason, then, can be given why the bishop should not be punished, at least equal with others, in cases of high-treason? Why truly, the want of legal evidence is the only reason pretended: A reason! in my apprehension, so very mean and trifling, that it ought not to have been heard in the supreme judicature of a nation, without the severest censure, and such as would well become your lordships to treat with the utmost indignation and contempt.

For, my Lords, is it come to this at last, that after so much grimace, so much noise and stir, after committing the bishop for high-treason, after voting him a traitor, and treating him as such, must it at length come out, that there is no legal evidence against him! To palliate the matter a little, a distinction is endeavoured to be made between legal evidence and real evidence, or between such evidence as our law requires, and such as in natural justice and equity ought to be admitted. But, my Lords, this is a distinction entirely without a difference; for what is evidence of a fact before any judicature whatsoever, but such testimony as the nature of the case requires, to induce a moral certainty of the truth of the thing testified: The greater or less consequence the case is of, the more or less proof is required to induce such certainty. Thus, in ordinary matters, barely to prove a hand-writing is held sufficient evidence; because, in such cases, it is not to be supposed the hand-writing should be counterfeited: In other cases, seeing the party write, is necessary to be proved; and still as the weight of the case increases, stronger proof is required. Ever since the reversal of the attainder of colonel Algernon Sidney, the proving of treason by the proving of hand-writing, hath been, with great justice, condemned; and, why, I pray? But because there can be no hand-writing but what will admit of a counterfeit; and nothing that is capable of being counterfeited, carries with it such a degree of certainty, as is necessary where a man's life and fortune is concerned. My Lords, legal evidence is nothing else but such real and certain proof, as ought, in natural justice and equity, to be received; and therefore the oath of one credible witness, being certain and sufficient to induce a belief of the thing he swears, is legal evidence; and yet so tender is our law, so great a degree of certainty doth it require, that, as it now stands, two positive witnesses are required to convict a man of high-treason. This, however, hath been preposterously enough urged, to shew a difference between legal and real evidence: and sir John Fenwick's Case hath been cited for the same purpose. But this, with submission, shews no difference at all; for will any one say, that one credible witness is not legal evidence? Can any court in the kingdom, upon a trial of high-treason, refuse to hear such evidence? And is not such evidence sufficient too in all cases, where some positive law, for the greater certainty, doth not require more?

One of the learned gentlemen at the bar, (Mr. Waerg,) I suppose out of pure zeal for this bill, and not with a design to misguide his audience, did roundly affirm before your lordships, that no evidence, strictly speaking, was legal, but what was mathematical. I am confident, that gentleman would not have given this as his opinion under his hand at his chamber, because he knows it is directly contrary to truth: He knows very well that no offender, that puts himself upon his trial, can be convicted, but upon the oath of one or more witnesses; he dares not deny but that such conviction is founded upon legal evidence, strictly so speaking; and no one will pretend to say, that any evidence of witnesses can be called mathematical. But the gentleman goes on, and says, That the evidence for this bill is legal, in the general sense of the word: On the contrary, I beg leave to affirm, That it is not legal in any sense whatsoever. No act of Parliament hath made it legal, nor can it, in natural justice and equity, be called so, for want of sufficient certainty; and, indeed, it hath been admitted throughout this debate, and even by the counsel who spoke first for this bill, that it is not supported by legal evidence. But this gentleman was pleased to go still farther, for he affirmed before your lordships, That depositions taken in writing, were not evidence in any court of law. My Lords, it is pity that in so fine a speech there should be so much false doctrine: It is very true, that the law doth require the best evidence that the nature of the case will admit of; and therefore will not suffer the depositions of a witness in writing to be read, where such witness can be examined *viva voce*: But that gentleman could not but know, that where such living witness is not to be had, his depositions in writing are never refused, nor any other evidence that, in natural justice and equity, can tend to discover the truth of the fact in question with certainty.

My Lords,

The wisdom and goodness of our law appear in nothing more remarkably, than in the perspicuity, certainty, and clearness of the evidence it requires to fix a crime upon any man, whereby his life, his liberty, or his property may be concerned: Herein we glory and pride our-

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selves, and are justly the envy of all our neighbour nations. Our law, in such cases, requires evidence so clear and convincing, that every by-stander, the instant he hears it, must be fully satisfied of the truth of it; It admits of no surmises, inuendo's, forced consequences, or harsh constructions, nor any thing else to be offered as evidence, but what is real and substantial, according to the rules of natural justice and equity.

These are the rules the judges go by, nor have they any other in determining what is, or what is not to be admitted as evidence before them; and therefore to say, that the law refuses such evidence as is real, and ought, in natural justice and equity, to be admitted, is to cast an imputation upon the law, which is not only unjust, but entirely groundless. My Lords, I think sufficient hath been said to shew the mistake of those noble lords who have endeavoured to distinguish between legal and real evidence. The distinctions that have been made, and the instances that have been produced, shew only what legal evidence is sufficient for conviction, and what not; and if that were the question now before your lordships, it would deserve another consideration.

The present question is, Whether any evidence at all has been offered to your lordships to fix treason upon the bishop of Rochester; and for my part, my Lords, I am clearly of opinion, that you have had no such evidence: It is on all hands agreed, that no legal evidence of treason has been offered against him; and, I hope, I have sufficiently satisfied your lordships, that if it be not legal evidence, it is not real evidence, or such, as in natural justice and equity, ought to be admitted, and consequently no evidence at all. My Lords, the counsel for the bill have not attempted to prove positively against the bishop any one single criminal act: The circumstances that they have offered are in my opinion, so far from affecting him, that they carry in them no appearance of guilt in him whatsoever. If indeed there had been any one positive witness against him, your lordships, perhaps, (as was done in sir John Fenwick's Case) might, with some appearance of reason, have admitted circumstances in support of such witness, rather than a man of the bishop's rank and character should go unpunished; and, indeed, I think, no man's cunning ought to be a protection for his villainy; and I hope, and do not doubt, but all traitors will, one time or other, meet with their just rewards. But, my lords, in the case before you, the whole charge is built upon circumstances, and these are said to be supported by other circumstances; but all of them are so remote, so general, and, I may say, so inoffensive, that they might suit any lord here as well as the bishop; for there is not one single circumstance of them all, such as in its nature would be admitted as evidence of any crime against any man in any court in the kingdom.

To come, my Lords, to particulars, the treason charged upon the bishop is, That he dictated to Kelly the three letters, dated the 20th of April, 1722, signed, Jones, Illington, and 1378. And in maintainance of this charge, it is said, that those three letters were the same hand-writing with another letter produced before your lordships, and dated the 20th of August following: That from the 20th of April to the 20th of August, letters were continually sent abroad in the same hand-writing; that these letters contained a treasonable correspondence; that they are the hand-writing of Kelly; that Kelly had been with the bishop two or three times within these two or three years past; that there are circumstances in the case of Jones in this correspondence, that suit with the case of Illington, and circumstances in the case of both that suit with the bishop. These are the facts that are the main foundation upon which the bishop's heavy charge is built; and surely it well behoves your lordships to consider seriously how they are proved, and in what manner, and with what degree of certainty they affect him.

The three letters taken simply carry no treason in them; they have not yet been decyphered into treason, and were it not for a name in the direction of one of them, which is said to be a cant name of the Pretender's, they probably might have passed as harmless undesigning letters; will your lordships therefore suppose that the writer directed his letter to the Pretender by the cant name of Jackson, when yet it does not appear that he ever knew the Pretender had such a cant name? Ought we not rather to suppose in favour of innocence, that the letter was not intended for the Pretender, but for one whose real name it bears? These cant names, and the art of the decypherers have been the means made use of to make this correspondence treasonable; but will it not be thought hard that a man must be conjured into treason by a magic art that none of us understand, and by a parcel of names that the wisest of us are not yet able to discover whether they were designed for cant names or for real ones? To make the matter clearer, the clerks of the post-office are called, and they prove that the several letters, produced before your lordships, are true copies of original letters, sent abroad as directed; which originals, according to the best of their judgment and belief, are the same hand-writing with the letter of the 20th of August abovementioned. This judgment and belief of theirs is founded, without comparing any two of these originals together, or without pretending to say whose hand-writing they are, or to whom they belong. My Lords, I have already observed, that the proving of a hand-writing is, at best, but evidence too precarious and uncertain, to make good a charge of so weighty a nature as this in judgment before you; but I cannot help taking notice, that the proof of these letters, so as to make them treasonable, is still more precarious, more uncertain and slippery, than any thing of the kind I ever met with. The usual way to prove a hand-writing, so as to fix a charge upon the writer, is, for the

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witness to swear that he hath frequently seen the party write, or that he hath corresponded with him, and received several letters from him, and therefore is very well acquainted with his usual character and way of writing: and then the writing itself is produced, the witness swears to it, and the import of it is discovered by every by-stander. But here these post-office clerks are forced to call in aid, a messenger and a servant, to fix the hand-writing of the letters they produce; the letters themselves are unintelligible, and therefore the assistance of the decypherers and some cant names must be added, before they can wire-draw treason out of them. My Lords, these decypherers refuse to give your lordships any reason for the construction they have made; they shelter themselves by saying, that to give you a reason, would be to discover their art; happy art, indeed, that shall enable the artist to swear a man into high-treason, and yet it shall not be in the power of the accused person to disprove him. I do not find that these gentlemen pretend to act by unerring rules; they themselves own they may be mistaken, and therefore until your lordships are let farther into their secret, you will judicially look upon the art of decyphering to be no more than the art of guessing, and esteem him that guesses best to be the best decypherer.

The messenger and servant that have been called to finish the doubtful evidence of this hand-writing, and to fix it upon Kelly, are far from giving your lordships such an account of it, as can induce you to believe they are sufficiently acquainted with it; they do not pretend to say, that they have been frequently accustomed to see or observe him write, or that they ever received any letters from him, or ever were privy to any of his correspondences; these things, one would have thought, might easily have been proved against a man of Kelly's great dealing and acquaintance, in as full and clear a manner as the nature of the thing would admit of. Your lordships then are pleased to observe, that the evidence offered to prove this hand-writing, so as to make it criminal, consists of three distinct branches, supported by three different sets of witnesses; and that each of these three several sets have given a very lame, doubtful and obscure evidence; but if their evidence had been ever so full and positive, yet I must beg leave to insist, that it is such as is in its nature dubious and uncertain, and therefore in a case of this consequence ought not to be relied on. This will appear still the plainer from the different opinions observable among the different witnesses, insomuch that I may well venture to say your lordships are as yet at a loss by whom these letters were wrote; but if you will have any regard to numbers, and to the nature and circumstances of the testimony given by those numbers, the evidence is much stronger, and more clear and convincing, that they were not wrote by Kelly, than that they were; and if they were not wrote by him, it will become your lordships to consider carefully what you are a-doing; for then the foundation of this bill will be sapped, and of course the whole fabric must fall to the ground.

But, my lords, supposing these letters were really the hand-writing of Kelly, that they were of that treasonable signification that the decypherers contend for, and that the names mentioned in them did not belong to real persons, but were cant names to denote the Pretender and his agents; I say, my Lords, supposing all this true of Kelly, how will it affect the bishop? Might not Kelly write these letters, and carry on this correspondence without the bishop's direction? Must the bishop answer for Kelly's crimes, because Kelly happens to be a non-jurer? or because he was employed to buy gloves and stockings for the bishop, must your lordships therefore infer that he was employed to write treason for him? Suppose Kelly had actually lived in the bishop's family as his secretary, have we not seen, not many years since, even a Jesuit* a bishop's domestic without offence? Give me leave, my Lords, to carry this point a little farther: Has any thing been offered to induce your lordships to believe that Kelly saw the bishop, or heard from him for several months before this correspondence began? Has any one word been said, or hint given, either from cant names or decyphered letters, or any otherwise howsoever, tending to that purpose? Nay, my Lords, have you not had as much evidence as the nature of the thing is capable of, that the bishop could not dictate, nor Kelly write those letters, at any time near the time of their date? And if they were dictated by the bishop, it must be about that time, because the circumstances mentioned in the letter would not suit him at any other time. And here, my Lords, it is proper to observe, that the managers for the bill, when they were to apply the circumstances of Jones and Illington in the letters to the bishop's case, they built the whole of their arguments upon the date of those letters; but when they saw that the bishop had fully proved that it was impossible he could dictate them at that time, why then truly they vary their charge, and say, that it was not his dictating the letters at that time, but his dictating the letters of that date that they contended for; and they tax the bishop with a partial and fallacious defence, for applying it to the time, and not to the fact. But, I think, with great submission, that the bishop has made a very just defence. I think he could not have made a better; and under the disadvantage of proving a negative, I think it was almost impossible he should have made one so good. For your lordships well remember, he was charged as the author of the letters signed Jones and Illington, because he was under the circumstances of Jones and Illington at the time of the date of those letters: But the bishop hath fully proved, that he could not be the author of them at that time; and if he were

* The famous Jesuit La Pilionere, who made so great a figure, Anno 1717, in what was then called the Bangorian Controversy.

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not at that time, he could not be so at any other time; for take away the date of those letters, and the relation between Jones and Illington, and the bishop, you must of course take away likewise. But then as your lordships are yet at a loss when, or by whom, these letters were either dictated or wrote, shall the tallying of a few circumstances in them with the bishop's case, supposing them to be wrote about the time of their date, make him guilty of high-treason; especially when his counsel have shewed us, from the letters themselves, as many instances wherein they differed? Must Mrs. Jones and the bishop's lady signify the same person, because they died about the same time? Or must Mrs. Jones and Mrs. Illington signify the same person, because by a letter wrote, no one knows by whom, or when, mention is made of the death of one Mrs. Jones, and another letter condoles the death of one Mrs. Illington? Or is the bishop guilty of high-treason, because he is supposed to be meant by Jones and Illington; when yet, through the whole correspondence, there is no treason committed either by Jones or Illington? But admitting that all the circumstances that have been produced against the bishop, hit him so exactly, that it is morally impossible they could mean any body else; yet still, my Lords, what has the bishop to do with it? Might he not be thus described, and thus spoke of, and yet know nothing at all of the matter? And if he is thus to suffer for what another man may have said of him, I am sure he is the first, and I hope he will be the last that ever will be distinguished in so extraordinary a manner. The sum then of all the circumstances that have been offered as evidence against the bishop, amounts to this; here have been a parcel of cant names produced and made use of against him, which, for ought appears, he never heard of. Here have been letters produced, and read against him, wrote in cyphers, and of a hand-writing not pretended to be the bishop's, and of which your lordships have as yet had no manner of certainty. A construction hath been put upon these letters, which, in several circumstances, hit the bishop, and, in several other, miss him; but amongst all these circumstances, there is not the least hint of any word said, or act done by him, relating to this conspiracy, from first to last; nor doth it appear, that he was ever privy to it, or so much as heard of it, till it was known to all the world. And yet, my lords, these, and such as these, are the circumstances whereby the bishop is to be guessed into high-treason; but I hope your lordships will be very cautious how you make precedents of such wretched guess-work. The celebrated letter of Dubois, now before you, is a notable proof of the necessity of such caution; for we see the grand promoters of this bill cannot agree in their construction, or they have at least changed their opinions about that famous letter.

The uncertainty of this way of guessing, puts me in mind of some remarkable circumstances relating to the renowned Mr. Neynoe, which I had like to have forgotten, and which, though they seem to be under the misfortune of being slighted here, do yet, in the Report of the committee of the House of Commons, make a very considerable figure. Those circumstances of Neynoe in that Report, appear to be not only the foundation of the charge against Kelly and the bishop, but even the foundation of the plot itself; and the art and management with which they are there dressed up, do well deserve your lordships' attention. It seems, my Lords, this worthy man had been examined four several times; his examinations were taken in writing, and contained an historical account of the carrying on of this conspiracy. The learned committee, at the same time that they would represent him as a vile and infamous fellow, and would be thought to look upon his examinations as insufficient, do yet open their scene with this very account, and build entirely upon it. But would any one believe that Neynoe was never sworn to, or so much as signed any one of these examinations? Can any body think that he was not required to do one or both? Does not every body know, that they would otherwise be of no use? May we not therefore reasonably suppose, that he refused to do either the one or the other? And can any reason be given for such refusal, but that they were not true?

My Lords,

The committee were well aware, that great objections would be made to this kind of evidence, and therefore they have added to it some circumstantial hearsays, which they call the corroborating and concurrent proofs of Neynoe's testimony. But pray, my Lords, what are these corroborating and concurrent proofs? Why, they are of this kind, one man heard another man say, that a third man was concerned in this conspiracy. Behold then the sum of the argument, Neynoe's examination is admitted of itself to signify nothing; the same likewise cannot be denied of Pancier's hearsay: But however both these nothings make up something to prove the plot, because they are the corroborating and concurrent proofs of each other. And thus the learned committee have so contrived it, that they have made these examinations of Neynoe to be of more use, and to serve their purpose better, than if Neynoe himself had been now living, and produced before your lordships; and therefore it looks as if it were prophetically known, that the man intended to hurl himself out of the world with a winding sheet*. But however that be, it is mattter of surprize, that these examinations, which the committee treated so respectfully, should now by the counsel be so slighted, that they have scarce mentioned them, but as if they were ashamed of them; and yet they are as good

* Neynoe got out of the messenger's house where he was confined, by tying the sheets of his bed together, and sliding down from the window, but was drowned in attempting to make his escape.

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evidence as any that have been offered in favour of the bill now before your lordships.

But, my Lords, in the course of this debate, it hath been warmly urged, that though there be not legal evidence against the bishop, yet that all the circumstances that have been offered against him are sufficient to convince any man in his private judgment that the bishop is guilty. Nay, it hath been said, that these circumstances put together, are stronger and more convincing, than any positive evidence whatsoever; and therefore that no one can doubt of the bishop's guilt, though some, out of compassion or good nature, might be induced to vote in his favour. How strong and convincing, or rather how impertinent and trifling these circumstances are, I have already observed to your lordships; and I must say, it was not without a good deal of concern, that I heard that urged as the result of judgment, which could have no other foundation than in opinion only. But, my Lords, this is not the first instance wherein I have observed judgment and opinion to be confounded and mistaken the one for the other, and that too in a very gross and dangerous manner. My Lords, men's opinions, generally speaking, are nothing else but their fancies or imaginations, and are usually grounded upon personal pique, or party prejudice. These are weak and slender foundations, and have nothing to do, and I hope in England never will have any thing to do, where a man's life, his liberty, or his property is concerned. But, my Lords, a man forms his judgment according to the evidence that is offered him, that alone is his rule; and as the perspicuity or uncertainty of that appears, justice requires a determination accordingly. The compliment therefore upon the noble lords that have appeared against this bill (if it was intended as a compliment) carries a very severe sting in the tail of it, as it supposes those noble lords to be possibly capable of giving an unjust judgment. My Lords, the earl of Strafford lost his head for accumulative treason. A great many facts were laid to his charge, and though it was agreed on all hands, that not one of them singly amounted to treason, yet it was insisted on that all of them put together shewed an intention in him to subvert the government, and therefore that he was a traitor. The torrent of those times taught men to argue, that though the charge against the earl did not contain legal *treason, yet it* was morally impossible that he *could commit* the crimes contained in that charge, and not intend the destruction of the state; that the facts by him done, shewed him more a traitor than any positive act of treason could do; and that if men were satisfied in their private opinions that the earl was, in the main, guilty of treason, he ought to suffer accordingly. My Lords, this was the reasoning of those days; a reasoning which I hope your lordships will neither imitate nor encourage, because it was the foundation of those proceedings against that great earl, which were soon after in full Parliament so justly branded; and if future Parliaments should not be able to discover any difference between the inconveniencies arising from accumulative evidence and accumulative treason, may they not with great justice censure us by condemning the one equally with the other? That which was then called accumulative treason, was afterwards adjudged to be no treason, and I hope your lordships will yet adjudge this accumulative evidence to be no evidence: I am sure you will not punish a man in the severest manner, until you have had some reason given you, why you should punish him at all. You will not first believe a man a criminal without proof, and then admit a criminal construction to be forced upon every innocent action, only to support such belief. You will not adjudge a man guilty of the highest crime against the law, when his prosecutors themselves own, they cannot make good any one branch of their charge according to law.

The bishop's case must be owned to be very hard, and the evidence against him very weak, when his own letter to his son, and the letter to Dubois, are put to the torture to help out the charge against him. As for the letter to Dubois, it is amazing to consider that such pains should be taken from a similitude of a broken impression on wax with a whole one, and a similitude of two little E's*, to fix it upon the bishop; which, when fixed, can serve no purpose at all against him; for that letter hath neither date, subscription, cypher, nor cant name in it; and for ought appears may have been wrote before the man was born whom they would mean by Johnson, therein named. Nothing treasonable is pretended to be guessed out of it, nor, for aught appears, was it ever seen by any one besides the writer; and yet because it is there said that the writer wrote something (no one knows what, or when, or to whom) in the hand of one Mr. Johnson, your lordships are persuaded to infer, in opposition to the positive evidence of all the bishop's family, that Kelly was an intimate of the bishop's, and employed to write his treasons. The use that is made of the bishop's letter taken from his servant, is still more extraordinary. I have indeed too often observed doubtful actions, by the help of bold innuendoes, construed criminally; but to give that in evidence which was neither said nor done, to innuendo silence itself into high-treason, is entirely new, and the learned counsel deserve the glory of the discovery. But the bishop's case will still appear the harder, when it is considered, that such stress hath been laid upon such remote and distant circumstances in favour of this Bill, and at the same time your lordships were not pleased to receive on the bishop's behalf legal evidence, real evidence, and such as in natural justice and equity ought to have been admitted.

The bill that hath lately passed both Houses against Kelly, doth not hinder him from being

* See the duke of Wharton's speech, p. 320.

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still a witness, for it hath not yet had the royal assent, and perhaps never may; but if it had, there is, as I apprehend, nothing in that bill, that will take away his testimony in any court in the kingdom. But be that as it will, I must beg leave to insist that he is at present a good witness, and as every body is satisfied that it was in his power to clear up this whole affair, who knows what the awe of an oath might have extorted from him? He appears to be a man under the influence of conscience, for his refusing the oaths to the government, and thereby suffering his subsistence to be taken from him, is a manifest proof of it. If therefore your lordships had permitted Kelly to be produced when the bishop called for him, something probably might have been discovered to have ascertained either the bishop's guilt or his innocence. But as his case now stands, the evidence of his guilt appears very dark, and for ought I can observe, is like to continue so.

My Lords; I have now done: and if upon this occasion, I have tired your patience, or discovered a warmth unbecoming me, your lordships will impute it to the concern I am under, lest, if this Bill should pass, it should become a dangerous precedent for after ages. My zeal, as an Englishman, for the good of my country, obliges me to set my face against oppression in every shape; and wherever I think I meet with it (it matters not whether one man or five hundred be the oppressors) I shall be sure to oppose it with all my might: For vain will be the boast of the excellency of our constitution; in vain shall we talk of our liberty and property secured to us by laws, if a precedent shall be established to strip us of both, where both law and evidence are confessedly wanting.

My Lords; Upon the whole matter, I take this Bill to be derogatory to the dignity of the Parliament in general, to the dignity of this House in particular: I take the Pains and Penalties in it to be much greater, or much less than the bishop deserves; I take every individual branch of the charge against him to be unsupported by any evidence whatsoever. I think there are no grounds for any private opinion of the bishop's guilt, but what arises from private prejudice only; I think private prejudice has nothing to do with judicial proceedings, I am therefore for throwing out this Bill.

The Bill for inflicting Pains and Penalties on the Bishop of Rochester passed.] The earls of Peterborough and Cholmondeley spoke for the Bill; and then the question being put, it was resolved that the Bill do pass.* Content, 83. Not Content, 43.

* "The commitment of the bishop of Rochester to the Tower, had occasioned great clamours. Under pretence of his being afflicted with the gout, he was publicly prayed for in most of the churches of London and Westminster, and a print of him was circulated, in which he was represented looking through the grate of a prison, and holding in his hand a portrait of archbishop Laud, with some verses, commiserating his situation, and calling him

"a second Laud,
"Whose Christian courage nothing fears but God."

"It was also apprehended, that his removal on board the ship which was to convey him into banishment, would have been the signal of insurrection, but no tumults took place. Walpole, in a letter to Townshend, dated Whitehall, June 20, 1723, thus speaks of his embarkation:

'The late bishop of Rochester went away 'on Tuesday. The crowd that attended him 'before his embarkation was not more than 'was expected; but great numbers of boats 'attended him to the ship's side. Nothing very 'extraordinary, but the duke of Wharton's be-'haviour, who went on board the vessel with 'him; and a free conversation betwixt his ho-'liness and Williamson [Governor of the Tower]: 'with menaces of a day of vengeance.'

"Many reports have been circulated concerning the severity with which Atterbury was treated in the Tower; but upon a candid examination of the facts alledged by the bishop and his friends, we have no reason to imagine that he underwent more rigour than a state prisoner accused of a treasonable conspiracy, usually meets with. The following instance of lenity is not generally known. He was arrested in August, 1722: The articles of impeachment were brought into the House the 23d of March, 1723, passed the House of Commons on the 9th of April; he spoke in his own defence on the 6th of May, and on the 27th, the King gave his royal assent to the bill of pains and penalties. During the interval between his impeachment and condemnation, several chapters were permitted to be held under his auspices, as dean of Westminster, and the subdean was allowed to act as his proxy. During the month of May, not less than eight chapters were held for signing leases, and on the 31st, it was agreed, 'That the lease of the 'manor of Pensham be now sealed and lie in 'the chapter clerk's hands as an escrole, till 'the bills he has sent up for the fines are due 'and paid, this being the last chapter likely to 'be held till another dean be made, and that 'the present dean have his proportion of the 'fine.' This unusual mode of proceeding, by which a very considerable fine was, before payment, reserved for Atterbury, was entirely owing to the connivance, if not to the interference of government, for it is a well known

Protest against it.]

"Dissentient'

1. "Because the objection which we thought lay against the bills of Plunket and Kelly, that the Commons are thereby, in effect, let into an equal share of judicature with the Lords, does hold stronger, as we apprehend, against the present bill, since by means of it a lord of par-

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liament is, in part, tried and adjudged to punishment in the House of Commons, and reduced to a necessity either of letting his accusation pass undefended in that House, or of appearing there, and, as we take it, derogating from his own honour, and that of the Lords in general, by answering and making his defence in the Lower House of Parliament.

2. "Because we are of opinion, that the Commons would be very far from yielding to the Lords any part of those powers and privileges, which are properly theirs by the constitution, in any form or under any pretext whatsoever; and it seems to us full as reasonable, that the Lords should be as tenacious of the rights and privileges which remain to them, as the Commons are on their part.

3. "We think this Bill, against a lord of parliament, taking its rise in the House of Commons, ought the rather not to have received any countenance in this House, for that, as it appeared to us by the printed votes of the House of Commons, that House had voted the Bishop guilty of all the matters alledged against him in the Bill, before the Bill was brought into that House, and consequently before the Bishop had any opportunity of being heard; and, although there be nothing absurd in passing such a vote, in order to their accusing by an impeachment, yet it seems to us absolutely contrary to justice, which ought to be unprejudiced, to vote any one guilty against whom they design to proceed in their legislative capacity, or in the nature of judges, before the party has an opportunity to be heard on the Bill which is to ascertain the accusation, or it is so much as brought in.

4. "We are of opinion that no law ought to be passed on purpose to enact, that any one be guilty in law, and punished as such, but where such an extraordinary proceeding is evidently necessary for the preservation of the state; whereas the crime offered to be proved against the bishop of Rochester is, as we apprehend, his partaking in a traitorous conspiracy against the government; which conspiracy (by God's blessing) is detected, and, as we hope, disappointed, without the aid of such a dangerous proceeding as we conceive this to be.

5. "Because there are yet certain known and established rules of evidence, which are part of the law of the land, either introduced by acts of parliament or framed by reason and the experience of ages, adjusted as well for the defence of life, liberty, and property of the subject, as for the punishment of the guilty; and therefore these rules are, or ought to be, constantly adhered to, in all courts of justice; and, as we conceive, should be also observed, till altered by law in both Houses of Parliament, whenever they try, judge or punish the subject, though in their legislative capacity: but since, in many instances, in this and the two other proceedings by bill, we have been taught the opinion of the House, that these rules of evidence need not be observed by the Houses acting in their legislative capacity, we clearly take it to be a very strong objection to this manner of proceeding, that rules of law made for the security of the subject are of no use to him in it; and that the conclusion from hence is very strong, that therefore it ought not to be taken up, but where clearly necessary, as before affirmed; and we desire to explain ourselves so far upon the cases of necessity excepted, as to say we do not intend to include

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fact, that the bishop of Rochester had offended the chapter by his overbearing behaviour.

"Atterbury received the tribute of applause from the first poets of his time: Swift, Pope, and Gay have not omitted to pay high encomiums to his talents and learning. Gay observes, in his Epistle to Pope,

"See Rochester approving nods his head,
"And ranks one modern with the mighty dead."

"Pope, in his Epilogue to the Satires, describes his unshaken firmness and resignation in the hour of prosecution:

"How pleasing Atterbury's softer hour;
"How shines his soul unconquer'd in the Tower."

"Pope and Swift maintained a constant correspondence with him during his exile, and always expressed the highest sentiments of veneration and respect for his character. Pope, in particular, almost idolised his banished friend, and was fully convinced of his honour and integrity, and that he was of a mind too noble to be led by the spirit of vengeance to cabal against his country.

"How ignorant Pope was of his real character, and how much Atterbury belied his admirable portrait of a good and wise man in exile, neither acting from a principle of resentment, or impelled by revenge, was proved by his subsequent conduct. He had no sooner landed on the Continent, than he threw himself into the service of the Pretender, and became the principal agent of his affairs, first at Brussels, and afterwards in France.

"Notwithstanding his boasted philosophy, Atterbury passed his time in exile, in a manner which reflects no credit on the firmness of his mind, or the purity of his principles. The restlessness of his temper, his aspiring ambition, his constant cabals, his anxious desire to return, the narrowness of his income, compared with his former opulence, and the continual defection of his partizans in England, preyed upon a mind like his, fed with hopes which were constantly disappointed, and stung with resentment which could not be gratified. His situation was embittered by the ill conduct of his son, and by the death of his beloved daughter Mrs. Morice, who expired in his arms, and of which sad event he has given a pathetic account in a letter to Pope. He died at Paris, on the 15th of Feb. 1731, in the 70th year of his age." Coxe's Walpole.

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a necessity arising purely from an impossibility of convicting any other way.

6. "If it be admitted, that traitorous correspondences in cyphers, and cant-words may, to a degree, be discouraged by this sort of proceeding, in which persons, as we think, are convicted on a more uncertain evidence than the known rules of law admit of, yet, we are of opinion, that convenience will be much more than out-weighed by the jealousy it must of necessity, as we conceive, create in the minds of many of his Majesty's most faithful subjects, that their lives, liberties and properties are not so safe, after such repeated examples, as they were before; and by the natural consequence of this apprehension, an abatement of their zeal for the government may ensue, excepting such persons as have had more than ordinary opportunities of being well instructed in principles of the utmost duty and loyalty.

7. "We cannot be for the passing this Bill, because the evidence produced to make good the recital of it, or that the lord bishop of Rochester is guilty of the matter he therein stands accused of, is, in our opinion, greatly defective and insufficient, both in law and reason, to prove that charge; the evidence consisting altogether, to the best of our observation, in conjectures arising from circumstances in the intercepted letters, or on a comparison of hand-writings, resting on memory only, and there being, as we think, no proof of the Bishop's knowing of, or being privy to any of the said correspondence; and as to the principal part of the charge against the Bishop, and on which, as we think, all the rest does depend, viz. the dictating the letters of the 20th of April 1722, which the House of Lords seem to have determined that Kelly wrote, we are of opinion, that the Bishop has in his defence very clearly and fully proved, that he did not, nor possibly could, dictate those Letters, or the substance of any part of them, to Kelly, either on the day of their date, or at any time during several days next before or next after the day of their date, nor was in any capacity to write them himself, though the Letters must have been wrote within that compass of time; and we are on the whole, of opinion, that the proof and probability of the lord bishop of Rochester's innocence, in the matters he stood charged with, were much stronger than those of his guilt.——*(Signed,)* Scarsdale, Bruce, Salisbury, Poulett, Dartmouth, Craven, Aylesford, Ashburnham, Bathurst, Weston, Arundell, Exeter, Oxford and Mortimer, Willoughby de Broke, Pomfret, Hereford, Bingley, Osborne, Gower, Guilford, Cowper, Strafford, Denbigh, Northampton, Montjoy, Berkeley de Stratton, Cardigan, Fran. Cestriens', Anglesea, Litchfield, Foley, Hay, Trevor, Uxbridge, Compton, Masham, Middleton, Brooke, Stawell."

"I dissent for the Sixth and Seventh Reasons of the aforegoing Protestation, and for the following Reasons:

1. "Because this extraordinary method of proceeding, by Bills of this nature, against persons who do not withdraw from justice, but are willing to undergo a legal trial, ought, in my opinion, to be supported by clear and convincing evidence; and, I apprehend there has been nothing offered to support the allegations set forth in the preamble of the Bill, 'To inflict pains and penalties on Francis 'lord bishop of Rochester,' but what depends on decyphered letters, forced constructions and improbable inuendos.

2. "I conceive, that the examination of Philip Neynoe, taken before the lords of the Council, not sworn to, nor signed, which appears to me to be the foundation on which the charge against the bishop of Rochester is built, has been, in my apprehension, sufficiently proved, by the positive oaths of three persons, two of which have been, for several months, in separate custodies, confirmed by other circumstances, to have been a false and malicious contrivance of the said Neynoe, to save himself from the hands of justice, and to work the destruction of the bishop of Rochester.

3. "I do not apprehend, that the letters of the 20th of April, which are suggested to be wrote by George Kelly alias Johnson, and dictated by the bishop, have been sufficiently proved to be the hand writing of the said Kelly; but, on the contrary, it appears, to the best of my judgment, that the letter of the 20th of August (stopt at the Post-office, and from which the clerks of the post-office, on their memory only, swear they believe the said letters of the 20th of April to be the same hand-writing, though they never compared two original letters together during all that time) has been proved by three credible witnesses, concurring in every circumstance of their testimony, and well acquainted with the hand-writing of the said Kelly, not to be his hand-writing; and, I conceive, that the difference they observed in the hand of the said Kelly, upon which they ground their opinions, is sufficiently supported, by comparing the said letter of the 20th of August, with the letters wrote by the said Kelly, to the lord Townshend and Mr. Delafaye during the time of his confinement.

4. "I do not apprehend, that any proof has been offered to support what has been so much insisted on, and justly esteemed essential to the charge, that the bishop of Rochester dictated the letters of the 20th of April; but it has appeared, I conceive, that there has been no intimacy between the bishop and the said Kelly; and the testimony of the bishop's servants, concurring with the evidence given on that head by the persons that Kelly lived in the strictest correspondence with, leaves, to the best of my judgment, no room to doubt, but that the acquaintance between them was slender and public; and to suggest from thence, that the bishop dictated the letters of the 20th of April, when it appeared that, for many days before, he could not possibly see the said

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Kelly, is, in my opinion, repugnant to reason, and contrary to justice. WHARTON."

Debate in the Commons on the Bill for laying a Tax upon Papists.] April 26. Mr. Lowndes presented to the House a bill, 'For laying a 'Tax upon Papists;' * which was read the first time.

May 3. The above Bill was read a second time, and committed to a Committee of the whole House.

May 6. The Commons being in a Grand Committee on the said Bill,

Mr. *Lutwyche* spoke against the Bill as follows:

* "Upon the late Plot, Walpole grounded, what was more politic as I thought, than just, the submitting the estates of the Papists in England to a Tax of 100,000*l.* under the name of a Composition for their Recusancy, although it did not appear that any, or at least, but very few of them were engaged in this design. But he did it to terrify them from giving any countenance to such undertakings, and to make them to stop, which they were most likely to be able to do, all such from proceeding, by shewing them, that let what would happen, they as a body of men should pay for it; and although the levy fell very short of the sum imposed, yet it has, with the since mildness of the government towards them, very probably been the means of keeping these people quiet from this time. He answered the objection of injustice in it, not by contending that they were in this particular conspiracy, but this 100,000*l.* was but a part of what they had already forfeited, which was a third part of their estates, from the time of their recusancy, and therefore due to the government, though not taken; and as the government now took but this small proportion, it would rather be a favour to them to let this compound for the whole; and a provision was inserted in the act for that purpose. But all this appeared farce to me and some others, and which I shall shew you in what I shall say elsewhere upon this subject.

"Another thing which arose from this last, did not do the government so much service as this: It happened by accident; but he took it up and pursued it with his usual party spirit, and it was this; somebody in the debate of the other matter, said it ought to go to Protestant Non-jurors as well as to Papists, and the rather because they were both already liable to a double of the common land tax. This appeared so plausible, that it was generally given into; but then to do it with any justice, every body was to have an opportunity of swearing to the government; and, to do it with effect, every body was to be obliged to swear; that thus the real Non-jurors might be known, and register their estates, for this or any future imposition of the like sort, or to keep them in dread of it.

"I have mentioned this last to you, not so much for the sake of the thing itself, as for the extraordinary effect and operation it produced. People in general were so terrified with the apprehensions of not only forfeiting their estates in possession if they did not take the oaths, but also what they had in reversions, limitations ever so remote, or the least relation to or expectation of any, nay with regard to their money or effects of any sort, that the whole nation almost, men, women, and children, capable of taking an oath, flocked to the places where the quarter sessions were holden, that they might by swearing to the government free themselves and their families from the danger, as they thought, of losing their fortunes to it. I saw a great deal of it, and it was a strange as well as ridiculous sight to see people crowding to give a testimony of their allegiance to a government, and cursing it at the same time for giving them the trouble of so doing, and for the fright they were put into by it; and I am satisfied more real disaffection to the King and his family arose from it, than from any thing which happened in that time. It made the government to appear tyrannical and suspicious, than which nothing can be more hurtful to a prince, or lessen his safety.

"Upon this occasion, which indeed was one of my reasons for relating this fact to you, I cannot help observing of what little use to a government the imposition of oaths to it has ever been. It is very true that nothing in the constitution is more ancient. It was the practice among our Saxon ancestors, continued after the accession of the Norman race, and enforced often by particular oaths under several of the following kings, but never prevented any revolution that either reasons of government or ambition could bring about. To come nearer to our own times, oaths were made to Charles the first, but did not save him. Oaths were taken to the parliament and common-wealth, but the same people forgot them or broke them under Cromwell, and all at the restoration swore allegiance to Charles the second. They swore the same to king James, and the success of the Revolution made the same persons almost take the same oaths to king William and queen Mary, and to queen Anne: many in the rebellion of 1715, had sworn to king George the first, and more who wished it success. After all this, who can think these bindings of any security? It may torture the minds of people, but never influences their actings.

"A government is never secure of the hearts of the people but from the justice of it, and the justice of it is generally a real security. A good government, therefore, does not want these oaths to defend it, and a bad one, the casuists say, frees subjects from the obligation of them, and is a doctrine the people in all times have given into. Some particular men may possibly be influenced by them, but I speak of the generality of the people; and, with regard to them, it has ever been found at least useless. But this practice is, in many respects, generally very dangerous. Princes are apt to trust too

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Mr. Speaker;

The gentlemen, who have spoke in favour of this Bill, have urged, That since the happy Revolution the Roman Catholics have been more or less concerned in every conspiracy against the government; so that if they did not shew themselves in the late conspiracy, it was out of prudence, and not for want of zeal for the Pretender's cause. They will not allow, that it is liable to the objection of not being supported with particular facts, but say, with great probability, That the Roman Catholics have made large contributions here at home, to send to the Pretender and his adherents abroad: And if they are in a capacity of supplying the necessities of their friends abroad, it is but very reasonable for them to contribute to the defraying an expence they have, in a great measure, occasioned at home.

Upon this general way of reasoning, this Bill for raising a hundred thousand pounds upon the Roman Catholics has been formed; and a general charge of this kind may be a sufficient ground-work for a preamble to the Bill; but the enacting part ought to be supported with particular facts plainly proved, otherwise we may involve innocent persons in a punishment only due to the guilty. And though the legislature hath sometimes gone upon the notoriety of the fact, it is to be hoped, that this method may be but seldom taken where the life or fortune of any subject is in question; nothing being more uncertain than hearsay, conjecture and forced constructions; which the law has wisely provided against by ascertaining fixed rules to direct the judgment of the inferior courts of justice.

It is likewise given, as a political reason for passing of this Bill, That raising this hundred thousand pounds upon the Roman Catholics will deter the Jacobites abroad from entering upon such rash enterprizes, when they find that their friends here in England are to suffer for the disturbance they give us: And it will also shew them, that the nation can put itself in a state of security without burthening the subject; which has been one of the chief views of the conspirators to add fewel to the discontents of the people. But if none of these arguments should prevail; if the notoriety of the fact does not convince; nay, if the greatest probability of the Roman-Catholics sending money abroad can meet with no credit; the legislature, say they, is highly justified in passing this law for raising an hundred thousand pounds upon the Roman Catholics; Since by the laws now in being, as by the acts of queen Elizabeth, the first of king George, &c. the Roman Catholics are subject to three times greater forfeitures than this tax will amount to: And that the raising of this hundred thousand pounds is a mitigation of the severity of the law; and so far from being reckoned a hardship done them, it ought to be considered an indulgence in the government.

I have here thrown together some of the rea-

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much to it in evil government, and are too much encouraged to that by it. Charles the first was deceived by it, and it deluded his son James into the extravagant attempt he made upon the religion and liberties of his subjects. Besides, the minds of men are often corrupted by this to a slight of the obligation of an oath in general, either by taking these oaths unwillingly, many times against their consciences, and only by compulsion. Others swear what they do not comprehend, as was the case of nine in ten of those who took the oaths on the occasion I have been speaking of, and then the evil is, as was observed by a great man at that time, that when men habituate themselves to swear what they do not understand, they will easily be brought to forswear themselves in what they do understand. The like danger is from the frequency of oaths that is here required, which always takes off from the awe of them, and consequently their force. Indeed no oath should be imposed where it is possible that the interest of the person taking it, should induce him either to break it or swear falsely; and, in my opinion, no oaths at all should be appointed but in judicial matters; which as they are necessary in those cases, should be kept for them only, that they may thereby be the more solemn, and consequently the more forcible there, where only they are really wanted, or can be of any true use in society. To conclude this digression, I have often wondered that men do not see the unreasonableness and danger of making people swear where there may be an interest to tempt them to forswear, or afterwards break their oaths, from that uniform practice of courts of justice not to suffer any one to be put upon his oath in judgment, when he is either to get or lose any thing by the event of that cause in which he is brought to be a witness.

"But to return: notwithstanding the imprudence and folly of thus swearing the whole nation in the manner I have described, yet was the same thing continued by a subsequent act of parliament deliberately made against the advice and admonition, and to the great scandal of many wise men, who wished the best to the government, and saw the prejudice it would do to the King and his family. But as parties are generally factions, and the chief business of factions is to annoy one another, those men have always most merit with their party who contribute most to this humour; and to that, as this was designed to affect the Tories, must this silly zeal of the Whigs then in parliament, be imputed: and it is most certain, that on too many occasions it has been thought, he was the honest Whig-friend to the government, who did most to make the Tories enemies to it, which many of them from resentment to the Whigs, and being deprived of power, did but too much incline, and give into."—Speaker Onslow's Remarks on various Parts of Sir Robert Walpole's Conduct. Coxe's Walpole, vol. 2, p. 555.

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sons which have been given for passing this bill; I think those I have mentioned are what seemed to me to make the greatest impression upon the House, when this matter was first debated. These reasons were likewise inforced [See p. 51.] by a gentleman (Mr. R. Walpole) whose opinion is justly esteemed in all parliamentary considerations. I will now mention the objections, which occur to me against the passing of this Bill.'

In answer to the general surmise of the Roman Catholics disaffection to the government; I cannot help observing, That this general charge neither can nor ought to affect any particular person, without proof of some particular fact alledged against him: And it would be the highest injustice to make one man suffer for the crime of another. The law supposing it incumbent upon every man to be accountable for his own actions, doth not require what is not in any man's power, to be answerable for another; and I think I may affirm, with great certainty, that in no one instance the laws have adjudged a penalty upon one man for the crime of another: For though in the case of high-treason, the blood being attainted, a son does not attain the honours which would have descended to him, if his father had not been guilty of treason; yet in that case a man does only forfeit a fee-simple estate, and the income of an estate vested in him during his natural life: But the highest crimes and misdemeanors cannot avoid a settlement, to the prejudice of an innocent person.

I the rather insist upon the unreasonableness of punishing one man for the crime of another, to shew the absurdity of a maxim which is laid down for a certain doctrine, That because some of the Roman Catholics are suspected to have been concerned in the late conspiracy, therefore the whole body of the Roman Catholics must equally bear the burden of a tax, which some of them only are alledged to have made necessary. I would not be thought to be an advocate for the Roman Catholics, any farther than common justice requires, but I must appeal to every one who has read the report of the Committee appointed to examine Layer, Whether it appears there that the Roman Catholics in general are concerned in the conspiracy? Or, whether any mention is made in the Report of any one Roman Catholic of consequence, except a noble duke, [the duke of Norfolk] to whom a letter is supposed to be writ, intimating, as if he knew of the designs carrying on? How unjust then would it be, if the suspicion of this great man's being engaged in traiterous practices, at the hazard of his life and fortune, should give occasion to the inflicting the severest penalties upon many innocent families, who neither wish nor can hope to better their fortune by any revolution of affairs.

I think, Sir, I have fully answered what has been said for passing the Bill, upon the general head of disaffection; but one thing more I will add, that if you impose this tax upon the Roman-Catholics, upon a general allegation, 'That their religion maintains principles inconsistent with the welfare of the government;' you punish them for the cause of their religion. And for my own part, I look upon persecution to be a doctrine odious in itself, highly reflecting upon the honour of Parliament, and greatly infringing upon the freedom of the subject. Nor would I have his Majesty's mild and gracious reign blemished with such a merciless act of the legislature, which must necessarily confirm the obstinate in their errors, and entirely alienate the affections of the well-disposed Roman-Catholics.

We are likewise told, 'That the raising this hundred thousand pounds upon the Roman-Catholics is done out of a political reason, to deter the Jacobites abroad from entering upon such rash enterprizes, by making their friends here in England pay the expence which the nation finds necessary for its own security.' As this is a matter merely of speculation, and as there is no certain rule to go by to know what will be the consequence of raising such a tax, I will venture to give my conjectures upon this head. I do imagine, that as the Pretender's scheme is unjust in itself, it can be formed upon no better hopes than the discontents of the people; and the more room there is for complaint, the better prospect he has of success: and if it does happen that these complaints are well-grounded, as were the losses the people suffered in the South-Sea, then in such like case, how much industry is used by the Jacobites to aggravate the national grievances; and to impute every mischance to the ill conduct of the government. I am afraid, if the Roman-Catholics should be thus heavily taxed; if their peaceable and quiet behaviour does not intitle them to the common protection of the government; nay, if they are more hardly used by not having been concerned than when they were actually engaged in rebellion: I say, I am afraid they will embrace any opportunity to free themselves from such intolerable burdens, thinking under no form of government they can receive worse treatment.

I shall next consider the groundwork of this whole Bill, viz. 'The raising one hundred thousand pounds upon the Roman-Catholics, in lieu of certain forfeitures they have incurred by several Acts of Parliament now in being.' And by stating the balance betwixt the Roman-Catholics and the government, it is pretended, 'That the sum now demanded of the Roman Catholics falls far short of what is due to the government, if all their forfeitures were rigorously exacted.' I am very ready to grant, that the Roman-Catholics have incurred several forfeitures: but I think the question at present is, whether it is necessary at this time, for the security of the government, to take advantage of those forfeitures? For if there is not some particular reason shewn, why you ought to exact them more at this time than another, you may with equal justice raise one hundred thousand pounds the next year upon the Roman Catholics; and so on, whenever the go-

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verument shall stand in need of such a fund. But surely it is not sufficient to say, because the Roman-Catholics have incurred several forfeitures, that therefore you will take advantage of them: for the plain answer to that is, why do you do it now? And, Why have you not done it before? It is here necessary to observe, that when the legislature passed this law, to subject the Roman-Catholics to the forfeiture of two thirds of their estates, this law was rather made intentionally to keep the Roman-Catholics in subjection to the government, than with any design of having it put in execution. For otherwise, I dare say, so many administrations, who are the executive part of the law, could never have thus long dispensed with their duty.

If we look back as far as the reformation, we shall find, that the Roman Catholics were never more numerous, never more powerful, than at the revolution, just upon king James's abdication. Then all means had been used to propagate popery; men of that persuasion were put into places of profit and trust; the army was filled with Roman Catholics, and it was generally thought that the nation was ripe to take upon them the drudgery of the Roman yoke. When King William came to the crown, he was warmly told of the dangers of popery; that as there were severe laws against the Roman Catholics, they ought to be put in execution: that the Roman Catholics held correspondence, and were carrying on plots and contrivances with king James, then in France, who, as he had an undoubted title to the crown, was supported by one of the most powerful princes in Europe. Then the competition for the crown was greatly different from the wild and extravagant pretensions of a popish fugitive, fled to Rome for sanctuary, after having been turned out of most of the courts of Europe. But king William who was a wise and just prince, and knew that no free state could long subsist, but in doing equal and impartial justice, would not consent to the putting those laws in execution against the Roman Catholics, which he knew amounted to no less than a persecution. However, the King, to gratify the fears of those about him, who were continually possessing him with the dangers of popery, ordered an exact account to be taken of the conformists, non-conformists, and papists in England, to see what proportion there was betwixt the Papists and Protestants; and upon an exact scrutiny, the account was found to stand thus: one hundred and seventy nine Conformists, viz. those of the established church, to one Papist; besides Presbyterians, Quakers, Independents, and all other Protestant dissenters.

If the Roman Catholics were, at the beginning of the Revolution, but a handful of people; if all the encouragement given to them by king James could not enable them to maintain a king of their own religion upon the throne, what have we now to apprehend from them? Since many of them have followed the fate of king James, and several of them have conformed to the Church of England: So that we may reasonably conclude, that the number of Roman Catholics is one third less than they were when king William came to the crown. And I beg leave here to observe a notion, which has long prevailed, 'That the liberties of England can never be in danger, but by the Roman Catholics.' Indeed, one would have imagined that experience would have exploded this opinion, since there is nothing more certain than if all the Protestants were united, no power upon earth could hurt us. The contest does not lie betwixt the Protestant and Roman Catholic religion: our divisions are not occasioned by the increase of Popery, but it is obvious to every man unconcerned in the dispute, how the leaders of each party promote their own mercenary ends by possessing their followers with unnecessary fears and groundless jealousies.

I must own, besides the injustice of passing such a law, I am moved with compassion to my fellow subjects, whose condition must be very deplorable, if this bill should pass into a law. I would instance in the case of a gentleman of 1,000*l.* per annum, who pays 500*l.* per ann. rent charge: He must pay double taxes, which, at present amounting to 4*s.* in the pound, comes to 200*l.* a year, out of his 1,000*l.* a year: He must likewise pay his proportion of this 100,000*l.* which, at a moderate computation, will be 5*s.* in the pound, which is 250*l.* more to be added to the deduction out of his estate; What then will a gentleman of 1,000*l.* per annum have to live upon? It is said in answer to this, That the Roman Catholics do not pay more taxes, in several places, than the Protestants. But suppose it were true, that they now pay no more than 2*s.* in the pound, the case of this gentleman will be still very much to be lamented; and instead of paying 950*l.* he will pay 850*l.* out of his estate. I have mentioned this particular case, to shew the unreasonable severity of this tax; but I dare say, many more instances might be given of the like nature.

I cannot help being a little surprized, that those gentlemen who are so well acquainted with the circumstances of our affairs abroad, did not consider, before they brought in this Bill upon the Roman Catholics, that his Majesty's allies would certainly interpose in their behalf: And if upon a refusal to act the friendly part, our Protestant brethren abroad should be more severely dealt with, we should in vain complain of the breach of treaties and of the laws of the empire, when we have broke through the common ties of humanity.

I know no better rule of government, than to punish the guilty, and protect the innocent; neither the one can complain of hard usage, though he may be pitied, nor will the other wish for a change of that government, which defends him from the oppression of wicked and ill-designing men. But to punish a body of people, whom before the report was made, you suspected to be criminally concerned in the

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conspiracy; and whom, upon enquiry, you find to be innocent in every particular suggestion alledged against them, I do not take to be the means of convincing the world of the impartiality of our proceedings.

I find great stress laid upon the Roman Catholics sending money to the Pretender, and his adherents abroad; a fact so confidently affirmed, that one would expect some better proof of it than a general assertion; and yet I have never heard one single instance given to convince me of the truth of this assertion. Considering the great vigilance of the ministry, who have been able to discover the most subtle contrivances in carrying on this conspiracy, it appears to me very unlikely, if the Roman Catholics had made any considerable remittances abroad, that they should have escaped the notice of the government. I would fain know how comes this notion of the Roman Catholics sending money abroad; and why they are more zealous for the Pretender's cause, than the rest of the Jacobites? If it is an equal contribution among the Jacobites, it ought to be an equal tax upon the Nonjurors and every man who has paid his quota, as well as upon the Roman Catholics. But to single out one set of men from the herd of the Jacobites; and upon mere supposition, to inflict the severest penalties upon them, is an act no ways agreeable to the just and equitable proceedings of Parliament. For which reasons I am against this Bill.

Mr. Lutwyche was supported by Mr. West, lord Gage, and Mr. Thompson, member for York.

Mr. *Trenchard*, in particular, declared, That he thought it very unreasonable that the Papists should bear the whole burden of this tax, when there were so many Jacobites who had contributed as much to the raising public disturbances as the Papists themselves; and therefore he moved, "That the Nonjurors ought to be included in the said tax intended to be raised upon Papists."

Accordingly, after some debate, the Committee came to the following Resolution, viz. "That towards raising the sum of 100,000*l.* granted to his Majesty, towards reimbursing to the public the great expences occasioned by the late rebellions and disorders, to be raised and levied upon the real and personal estates of all Papists, an equal rate and proportion be raised and levied upon the real and personal estates of every other person, being of the age of eighteen years or upwards, not having taken the oaths of supremacy and allegiance, and the abjuration oath, who shall upon due summons neglect or refuse to take the same."

This Resolution being the next day reported by Mr. Farrer, a motion was made, and the question put, that the said Resolution be recommitted, but it was carried in the negative. Then it was resolved, That the House do agree with the Committee, and ordered, That there be an instruction to the Committee of the whole House to alter and amend the Bill, 'For 'laying a tax on all Papists,' pursuant to the said Resolution.

May 11. The Commons, in a Committee of the whole House, made a farther progress in the Bill: and a motion being made by Mr. Lutwyche for a clause for including the Papists and Nonjurors in Scotland, in the Tax intended to be laid on Papists and Nonjurors in England, it was carried in the affirmative by a majority of five voices only.

May 14. Mr. Farrer reported the Amendments the Committee had made to the Bill, which were agreed to, except the clause abovementioned; upon which a debate arising, lord Gage and Mr. Hutcheson insisted upon the equitableness of the said clause, and

Sir *Joseph Jekyll* said thereupon, That he knew no reason why the Scots should be excused from paying their proportion of this extraordinary tax, unless it was, because forty-five Scots representatives in that House always voted as they were directed: But if that was the reason, it was to be feared, lest Cornwall, which sends up almost an equal number of members, might, upon the same consideration, claim an exemption from taxes.

But Mr. *Robert Walpole* having represented, That the names and real estates of the Scots Papists and Nonjurors not being registered, it was impossible to ascertain their proportion of this tax, he was supported by most of the courtiers; and the question being put, That the said clause be made part of the Bill, it was carried in the negative by 178 votes against 170. And then some other Amendments being made by the House to the Bill, it was ordered to be engrossed. However, two days after, a Bill was ordered to be brought in to oblige all Papists and Nonjurors in Scotland, to register their names and real estates; which was accordingly brought in, and had an easy passage through both Houses.

May 17. The Bill, 'For laying a tax upon 'Papists and Nonjurors in England,' was passed and sent up to the Lords.

Debate in the Lords on the Bill for laying a Tax upon Papists.] May 20. The Lords read the second time a Bill from the Commons, intituled, 'An Act for granting an Aid to his 'Majesty, by laying a Tax upon Papists.' And a motion being made, That the said Bill be committed, and the question being put thereupon, it was carried in the affirmative, by 57 against 42; Nine of which last entered their dissent, viz. The earls of Scarsdale, Litchfield, Strafford, Uxbridge, and Pomfret, and the lords Bingley, Foley, Gower, and Ashburnham.

May 21. The Lords went into a Committee upon the said Bill, and a Rider being offered to be added to it, for making the Scots Roman Catholics and Nonjurors to contribute towards the said tax; the same was rejected.

May 22. The Bill was read the third time, and a motion being made, That the same *de-*

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pass, it was strongly opposed by the earl of Strafford, lord Trevor, earl Cowper, lord Bathurst, and lord Bingley, who represented, That this Bill was downright persecution; that it was a fourth Bill to inflict pains and penalties in an unprecedented manner: But they were answered by the lord Townshend, lord Carteret, earl Cadogan, bishop of Hereford*, earl of Macclesfield, earl of Ilay, and the duke of Newcastle, That the Papists had incurred far greater penalties, so that this Bill was rather an indulgence than a persecution.

These were replied to by

Earl *Cowper*, who suggested, That whatever gloss was put upon this law, it would always be looked upon as persecution by those, at least, who were to be affected by it, and be punished for other people's crimes; and what hardships the Protestants abroad might suffer, when we persecuted the Roman Catholics at home, he left to their lordships' consideration: That he was informed, that the king of Spain and the regent of France had used their good offices in behalf of those of their own religion amongst us, and as, on the other hand, those two powerful princes had given undoubted proofs of their firm friendship to his Majesty, in discovering and quashing of the late Conspiracy, so they could not but think themselves indifferently requited for it, if this Bill should pass into a law. His lordship added, That no state ever got any thing by persecuting its subjects, of which he gave several instances, and, in particular, shewed the ill effects of persecution in France, which had drove away the wealthiest of their merchants and most industrious artificers; urging, that this bill might, in like manner, force the English Roman Catholics to leave the kingdom, and carry eight or nine hundred thousand pounds into foreign countries. For all these reasons his lordship was for rejecting the Bill.

But the question being put upon the motion for passing the same, it was resolved in the affirmative.

Content,	48	Not-Content,	37
Proxies,	21	Proxies,	18
	—69		—55

Upon this the following lords entered their dissent, viz. Uxbridge, Bingley, Gower, Foley, Asburnham, Lechmere, Litchfield, Scarsdale, Montjoy, Pomfret, Hay, Fran. Cestrieus', Willoughby de Broke, Strafford, Cowper, Weston, Coventry, Bathurst, Tadcaster.

The King's Speech at the Close of the Session.] May 27. His Majesty, after having given the royal assent to the Bills for inflicting Pains and Penalties on the bishop of Rochester, Mr. Kelly, and Mr. Plunket, with several other public and private bills, was pleased to tell both Houses, that he had ordered the Lord Chancellor to declare to them, in his Majesty's name and words, the reason of his coming that day to parliament. Whereupon the Lord Chancellor read his Majesty's Speech to both Houses, as followeth, viz.

"My Lords and Gentlemen,

"I am persuaded, notwithstanding the unusual length of this session, you will not think your time has been misemployed, in consulting the necessary means for preserving the peace and quiet of the kingdom, and bringing to justice some of the chief promoters of that confusion which lately threatened the nation.

"The prudent measures you have taken for our common security, and your enabling me to defend my kingdoms against any designs or attempts of our enemies, are the most convincing testimonies of your fidelity and affection to me, and of your concern for the liberties of my people. Be assured, the confidence you have reposed in me, shall never be made use of, but for their safety and defence.

"The Papers which have been laid before you, for your information, and have since been published for the satisfaction of the world, evidently shew that the Conspirators had brought their wicked arts and practices to such a perfection, that they confidently carried on their traitorous projects in defiance of the law, from an assurance of their being able to elude it; the respect and reverence due to the law had been lost, and the tranquillity of my people endangered, had not you interposed. This made it necessary for the legislature to exert itself in punishing such offenders, whose guilt is too certain to leave the least room for doubt, and whose crimes are too heinous to admit of any aggravation.

"And yet it is with pleasure I reflect, that the justice of parliament has been so tempered with mercy, that even those, who are resolved to be dissatisfied, must acknowledge the lenity of your proceedings, and will be at a loss for any pretence to complain, so few examples having been made, and the penalties inflicted by bill, falling so much short of the punishments due for the same crimes by the common course of law.

"The firmness you have shewn, must convince all the world, how much they were mistaken, whose chief hopes were founded on the disaffection of my people. It gave me great satisfaction to see as general a concurrence in full parliament upon this occasion, as has been ever known on any former; and it is to be hoped, our enemies will cease to flatter themselves with the vain imagination of being able to subvert our religion and present establishment.

"Gentlemen of the House of Commons.

"I must acknowledge, in a particular manner, the great readiness you have shewn in raising the necessary Supplies for the ensuing year. It is an unexpected felicity, that you have been able so far to disappoint the hopes of our enemies, as to avoid laying any new burthen upon my people, and that, so soon after that great shock and convulsion in all the public funds, and in the midst of intestine

* Dr. Benjamin Hoadly; see vol. 7, p. 671.

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alarms and disturbances, the credit of the nation should so far revive and flourish, that not only the supplies of the year should be raised at a much lower interest, than was ever known in the most quiet time, but part of the national debt should be reduced from an interest of five to three per cent.* and put in a course of being soon discharged.

"My Lords and Gentlemen;

"I return you my most sincere thanks for the indefatigable pains you have taken in the service of the public: I earnestly recommend it to you, in your several stations and countries, to persevere in your endeavours for preserving the peace of the kingdom; by justice and resolution, to subdue the restless spirit of faction and sedition; and by prudence and temper to reconcile the misled.

"Some extraordinary affairs calling me abroad this summer, I doubt not but that the wisdom and vigilance of my good subjects will prevent our enemies from taking any advantage of my absence. To gain the hearts and affections of my people shall always be my first and principal care; on their duty and loyalty I will entirely depend: And they may as surely depend on my protection in the full enjoyment of their religion, liberty, and property."

Then the Lord Chancellor prorogued the parliament to the 2nd day of July; after which it was farther prorogued to the 9th of January, 1724.

PRINCIPAL OCCURRENCES DURING THE RECESS.—*The King goes to Hanover—Promotions—The King's Clemency—State of Foreign Affairs—Wood's Half-pence—Death of Earl Cowper—The King returns to England.*] The King, whom the Conspiracy had detained in England the last year, had no sooner put an end to the session, but he set out for his German dominions. He embarked for Holland the 3d of June, and, after staying two days with his brother, the bishop of Osnaburg, arrived the 11th at Herenhausen. He appointed Lords Justices in his absence as usual, the prince being still excluded, who was now in his 41st year. The lord Harcourt, formerly so strictly united with the earl of Oxford, and queen Anne's other ministers, and who had defended them with so much zeal, was one of the Lords Justices. Mr. Walpole was likewise of the number, and acted as secretary of state, in the absence of the lords Townshend and Carteret, who were with the King. It was intended to advance him to the peerage, but he chose rather to have that honour conferred on his son, who was made baron Walpole of Walpole in the county of Norfolk.* About the same time, Mr. Pulteney, chairman of the late committee of secrecy, was made cofferer of the household; and Philip, lord Stanhope, captain of the yeomen of the guard; Dr. Gibson was translated from Lincoln to London; Dr. Reynolds from Bangor to Lincoln; and Dr. Bradford from Carlisle to Rochester; Dr. Waugh was promoted to Carlisle, and Dr. Willis, on the death of Dr. Trimnel, to Winchester; Dr. Hoadly was translated from Hereford to Salisbury; Dr. Green on the death of Dr. Fleetwood, from Norwich to Ely: Dr. Leng was made bishop of Norwich; and Dr. Egerton, brother to the duke of Bridgewater, of Hereford.

The king, before his departure, shewed his clemency to those who had been taken up on account of the Plot. The earl of Orrery was released from his confinement, and admitted to bail; as were also the duke of Norfolk, the lord North and Grey, Dennis Kelly, Thomas Cochran, and Swathfegger, the earl of Orrery's secretary. On the 20th of June, Dr. Friend was admitted to bail; and two days after, Dr. Atterbury embarked on board the Aldborough, a small man of war, which had orders to land him in France. He was put on shore at Calais, accompanied with his daughter Mrs. Morrice, and her husband who was high bailiff

* "August 30, 1723. You cannot but observe the late rise of our stocks. South Sea was actually sold on Monday at 110. But the bulls and bears have sunk it again to betwixt seven and eight. I had the good fortune to tell his Majesty before he went, that I thought it would come to this price before Michaelmas. This rise was nothing imaginary, not at all the effect of art. The public credit is now in so flourishing a condition, that upon some difficulties the duchess of Marlborough had a mind to make in that loan, I could have had 200,000*l.* in land tallies, with the interest upon them, which was about 12*s.* 6*d.*; in all 3*l.* 12*s.* 6*d.*; and I think it is plain we shall have the whole supply of next year at 3 per cent. even without the Marlborough money; and I flatter myself, that the next session of parliament will bring no discredit to those that have the honour to serve the King in his revenue." Robert Walpole to Lord Townshend. Coxe's Walpole, vol. 2, p. 276.

† Tindal.

* The lord Townshend's eldest son was called up to the House of Peers, by the title of baron Townshend of Lynn Regis, and made one of the gentlemen of the bed-chamber, in the room of the lord Teynham, who some days before shot himself, and died an hour after.

The Patent to the lord Walpole began thus: "Our most beloved and most faithful counseller Robert Walpole, first Commissioner of the Treasury, with the assistance of other select persons, and Chancellor of our Exchequer, having highly recommended himself to our royal favour by his many services to us, to our house, and to his own country, we did not think him unworthy to be advanced to the rank of the Peers of this realm. But, though he rather chuses to merit the highest titles than to wear them, we have however thought fit, in order to ennoble his family, to confer on the son the honour due to the father, and to raise to the peerage Robert Walpole junior, esq.; &c."

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of Westminster. At Calais he was told, that the late lord Bolingbroke, having obtained his pardon, was just arrived there in his way to England; upon which the bishop merrily said 'Then I am exchanged.' The king had granted the lord Bolingbroke a pardon the day after the parliament broke up, of which one of his friends instantly set out for France to bring him word. He immediately returned to England to plead his pardon, in expectation that a new parliament would repeal his attainder. The lord Harcourt had prevailed with the king to shew him this favour, though Mr. Walpole had opposed it at the council board with unanswerable arguments: He was against loosening the hands of one, who (as he said) he foresaw, from his former conduct and ambition, and the natural restlessness of his temper; would go any lengths to poison the minds of the subjects, in order to disturb the national tranquillity, that he himself might the easier arrive at power. But, notwithstanding his disapprobation, he was forced to give way.

Before the king left England, it was agreed in council, that the troops should be incamped as they had been the last summer, and that the horse-guards should be quartered round Hyde-park, in order to be ready to assemble, if there should be occasion.

These measures kept all things quiet in Great Britain, during the king's seven months absence. The same reasons, which had required his presence abroad, detained him perhaps longer than he intended. He was received in his dominions in the most agreeable manner, and was complimented by at least 12 foreign ministers. The king and queen of Prussia waited likewise upon him, by which means his court was as splendid, and as much the scene of affairs, as ever the court of Great Britain had been.

Affairs were then at a sort of crisis: the uselessness of the congress of Cambray and of Brunswic, where little had been done, having worn out the patience of the princes whose interests were to be determined there, they entered into separate negociations, and sought the means of coming to an agreement. The czar and king of Sweden were going to conclude a treaty favourable to the duke of Holstein's pretensions to Sleswick, of which king George had guaranteed the possession to the king of Denmark: It was to be feared, that this treaty might affect even Bremen and Verden, lately annexed to the electorate of Hanover.

On the other hand, France and Spain seemed to be sincerely reconciled, and willing to unite against the emperor. The regent had projected a marriage between the king of France and the infanta of Spain, then 3 years old, and had married his second daughter mademoiselle de Montpensier to the prince of Asturias, and, a year after, another daughter to don Carlos, eldest son of Philip 5, by his second wife. These two powers endeavoured to draw the czar to their side; they offered new treaties to England, more advantageous than the former, in regard to trade, but strongly insisted upon the restitution of Gibraltar and Port-Mahon; and it was wished, that court would not be concerned in the affairs of Italy, and would declare openly against the Ostend company.

This situation of so opposite interests was full of difficulties. The Emperor, pressed too much, might declare for the czar and the Swede: Poland, confined between these two powers, could not help taking part with them: Almost all Italy exclaimed against the treaty of London: The pope had protested against any decisions at Cambray to the prejudice of his right: The king of Sardinia, the dukes of Tuscany, Parma, and Modena, had presented memorials equivalent to so many protestations: France and Spain were inclined to support them: War was every where on the point of breaking out: England, engaged by so many treaties, and her own interests, must have been concerned: For king George to declare against the emperor, was exposing his German dominions, and helping to strengthen two powers already very formidable to the rest of Europe: To take part with the emperor was supporting the new establishment at Ostend, and arming against himself, France, Spain, and perhaps Russia and Sweden.

King George overcame all these difficulties, or at least suspended their ill consequences. He entered into stricter alliances with the kings of Prussia and Denmark: He used his endeavours to prevail with the emperor to be more ready to end his differences with Spain, and to desist from the affair of Ostend, against which his subjects in particular, and his faithful allies the States-General, were extremely incensed. In England, as hath been related, the commons had voted against it.

One of the king's principal designs, when he came to Hanover, was to persuade the court of Vienna to desist from erecting the Ostend India Company: He laboured constantly at it, but the success did not answer his good intentions. That court promised, in general, not to do any thing contrary to treaties, and the rights of others, but avoided to enter into any discussion, and disregarded the representations that were made from all parts.

It was the same with respect to the czar. So that the king's journey proved fruitless, and the negotiations might have been as well carried on at London as at Hanover. Something was also done for the Protestants, whose complaints continued, because they were still oppressed, and new grievances were added to the old. The king of Prussia readily entered into the design to procure them ease and tranquillity.

This union put a stop at least to greater calamities; and appeared to be very cordial. King George spent four or five days at Berlin, where he was received and treated with great respect and magnificence. The two secretaries of state, the lords Townshend and Carteret, who attended him, had frequent conferences

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with the king of Prussia's ministers, in order to conclude some alliance to prevent the czar's designs, in favour of the duke of Holstein: The proposals were neither rejected nor received, and assurance was given that no engagement should be made contrary to what had been agreed.

The king, having been informed that his subjects in Ireland were in want of small money, made a contract with William Wood, to furnish that kingdom with copper halfpence and farthings. The copper was to be of such fineness, and the money of such a weight, as agreed upon in the patent granted for that purpose. When this money came to be circulated in Ireland, great clamour was raised against it, and the parliament, which met on the 5th of September, came to these resolutions:

"That the importing and uttering of copper half-pence and farthings, by virtue of Wood's patent, would be prejudicial to the revenue, destructive of trade, and of dangerous consequence to the rights of the subject: That the state of the nation had been misrepresented to the king, in order to obtain the patent: That the half-pence wanted weight; and, though the terms of the patent had been complied with, there would have been a loss to the nation of 150*l.* per cent. That it had been always highly prejudicial to the kingdom to grant the power of coinage to private persons, and would at all times be of dangerous consequences."

Addresses from both Houses, agreeable to these Resolutions, were transmitted to the king, who, in Answer to the Commons, said, He was very much concerned, that his granting the patent for coining of half-pence and farthings, agreeable to the practice of his royal predecessors, had given so much uneasiness to the House of Commons; and, if there had been any abuses committed by the patentee, his Majesty would give the necessary orders for inquiring into, and punishing those abuses, and do every thing, that was in his power, for the satisfaction of his people. Pursuant to this answer (for which the Commons returned an Address of Thanks) the affair was referred to the lords of the privy-council in England, by whom a report of it was drawn up in July the next year. In this Report they justified the conduct of the patentee, and observed that, his Majesty having ordered that an essay should be made of the fineness, value, and weight of Mr. Wood's copper money, and the goodness thereof, compared with the former coinages of copper money for Ireland, and the copper money coined in his mint in England, it had been accordingly referred to sir Isaac Newton, Mr. Southwell, and Mr. Scroope, to make the assay and trial; and it appeared, That the Pix of the copper-monies coined at Bristol by Mr. Wood for Ireland, containing the trial pieces, which was sealed and locked up at the time of coining, was opened at his Majesty's mint at the Tower: That the comptroller's account of the quantities of half-pence and farthings coined, agreed with Mr. Wood's account, amounting to 59 tons, 3 hundred, 1 quarter, 11 pounds, and 4 ounces: That by the specimens of this coinage, which had from time to time been taken from the several parcels coined, and sealed up in papers, and put into the Pix, 60 half-pence weighed 14 ounces troy, and 18 penny-weights, which is about a quarter of an ounce above one pound weight averdupois; and 30 farthings weighed 3 ounces and 3 quarters of an ounce troy, and 46 grains; which is also above the weight required by the patent: That both half-pence and farthings, when heated red hot, spread thin under the hammer, without cracking: That the copper, of which Mr. Wood's coinage is made, is of the same goodness and value with the copper, of which the copper money is coined in his Majesty's mint for England, and worth, in the market, about 13 pence per pound weight averdupois: That a pound of copper wrought into bars and fillets, and made fit for coinage, before brought into the mint at the Tower of London, is worth 18 pence per pound, and always costs as much, and is coined into 23 pence of copper money by tale for England. That the half-pence and farthings coined by Mr. Wood, when compared with the copper money coined for Ireland in the reigns of king Charles 2, king James 2, and king William and queen Mary, considerably exceeds them all in goodness, fineness, and value of the copper, none of them bearing the fire so well, not being malleable, wasting very much in the fire, and great part of them burning into a cinder of little or no value at all. The fact being thus proved to be on the side of Mr. Wood, the lords Committees shew, that his Majesty's royal predecessors always exercised the undoubted prerogative of granting patents for copper coinage in Ireland to private persons, none of which patents were equally beneficial to that kingdom, nor so well guarded with proper covenants and conditions for the due execution of the powers thereby granted, as this of Mr, Wood, though the validity of these patents, and a due compliance with them, was never in any one instance till this time disputed or controverted. They then prove, that Mr. Wood's patent was not, as had been suggested in Ireland, obtained clandestinely, in an unprecedented manner, but after a reference to the attorney and solicitor-general, and after sir Isaac Newton had been consulted in all the steps of settling it. In the last place they made it plainly appear by a cloud of witnesses, that there was a real want of small money in Ireland, to make small payments. But, Mr. Wood having, in compliance with the clamour industriously raised against his coinage, proposed to reduce his coinage from 100,000*l.* to 40,000*l.* value, it was thought fit to accept of it, and to send directions to Ireland accordingly.

On the 10th of October died earl Cowper, eminent for his integrity in the discharge of the office of lord chancellor, which he had twice filled. There may have been chancellors of more extensive learning, but none of more

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knowledge in the laws of England. His judgment was quick, and yet solid. His eloquence manly, but flowing. His manner graceful and noble.

The King was still at Hanover, when he heard of the duke of Orleans' death, who, under the title of prime minister, governed France as absolutely as he had done during the minority of Lewis 15. King George was much concerned at the news: The mutual esteem they had for each other, their circumstances and interests, which were not unlike, begot a firm friendship between them, whereof they gave on all occasions the most effectual proofs. The duke died of an apoplexy in the 50th year of his age, and according to his desire, before his decease, the duke of Bourbon was nominated prime minister.

As the death of the duke of Orleans might occasion great alterations, and as it was uncertain whether the new minister would enter into the views of his predecessor, the King hastened his return to England. Being detained by contrary winds some days in Holland, he received there assurances, from the part of France, of the good disposition of that court, to cultivate, and even improve, the union established by the late duke of Orleans, between the two states. The King came to London the 19th of December.*

SECOND SESSION OF THE SIXTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] January 9, 1724. The Parliament being met, the King went to the House of Peers, and the Commons attending, the Lord Chancellor read his Majesty's Speech to both Houses, as follows:

"My Lords and Gentlemen,

"I cannot open this session, without congratulating you upon the success of your endeavours, last year, for the safety, interest, and honour of the kingdom: The rise of public credit, the flourishing condition of our trade and manufactures, and the general tranquillity of my people, are the happy consequences of your prudent resolutions. It is to be hoped, that the few examples, which were made of some notorious offenders, will be sufficient to deter the most disaffected from engaging in the like desperate and wicked practices. The augmentation you thought fit to make to our national forces, by sea and land, has not only secured the general quiet of the kingdom, against any sudden attempts, or insurrections, but has also given me such weight and credit in all foreign negociations, as greatly contribute to-

* On the 5th of Dec. Lord Townshend wrote the following Letter to Mr. Robert Walpole:

"Dear Sir; *Hanover, Dec.* 5, 1723.

"I believe you will be surprized at the King's having taken the resolution to set out for England on the 16th of this month, N. S. for which reason it will be proper for me to acquaint you in what manner that affair has passed. While the King was at the Gohrde, being unwilling to interrupt his good humour, with proposing any thing so disagreeable, as I apprehended a speedy return to England might be, I ventured no further, than to give him in a paper, stating the times on which the moon-light nights fell. But upon his coming back to this place, I found the universal bent of the Germans strong for keeping him here, till the full moon of the 10th January, N. S. and fearing lest any accident of contrary winds or frosts might detain him so long in Holland, that the parliament (allowing the necessary time for summoning it, and for concerting the operations of the session) might not be able to meet before February; I thought it my duty to lay before his Majesty, the possible inconvenience that might arise from his delaying his journey so long, which I chose to reduce to writing, in the form you will see in the inclosed. This letter, far from causing any uneasiness, as I apprehended, had so good an effect, that the King, without saying any thing to me, sent for the marechal the next day, and ordered him to make the necessary dispositions for his beginning the journey on the 16th instant, N. S.

"I am sensible you will think the 10th of January, O. S. somewhat of the earliest for bringing the Parliament together after the holydays; but it is his Majesty's present intention, they should meet to do business on the 9th; and I beg you would suspend your judgment on this resolution, till I have an opportunity to acquaint you with the reasons, which made so early a day appear advisable. I hope this good may at least be expected from it, that the time of the Parliament's meeting being known before Christmas, will give new life to the city, and animate public credit. You will easily imagine, that the King's taking this resolution, has been highly disagreeable to the Germans, and the more so, from their having no notice or participation in it. But I never saw any one more overjoyed than the duchess upon this occasion; and if I had had any other view besides the King's service, I could not have made my court more effectually with her, than by this step. The only objection and clamour which the most discontented on this side pretend to raise is, that we hazard his Majesty's person too much, by proposing to undertake the voyage so long after the full moon, when the former part of the night is entirely dark. But besides, that his Majesty did once before set out some days after the full moon, and that he is always liable to be detained by contrary winds, till part of the moon is spent, his Majesty himself told me, when I gave him the paper on that subject at the Gohrde, that he had no regard to the moonlight nights.

"His Majesty desires you would take care, that there may be as little concourse of noisy attendants at his landing, or on the road to

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wards the preservation of the peace of Europe.

"Gentlemen of the House of Commons,

"I will order the proper officers to lay before you the estimates for the service of the current year. I desire such supplies only, as you shall find absolutely necessary for preserving the peace of the kingdom, and for the security of my people; and those, I hope, may be raised without laying any additional charge or burden on my subjects.

"I must, in a particular manner, recommend to your care the public debts of the kingdom, as the most national concern you can possibly take into your consideration. I am persuaded it must be a very great satisfaction to all my faithful subjects, to see the sinking fund improved and augmented, and the debt of the nation thereby put into a method of being so much the sooner gradually reduced and paid

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London as possible. If he should pass through the city or the park, any thing of that kind would be more excuseable, though it is what he desires entirely to avoid." Coxe's Walpole, Correspondence, vol. 2, p. 293.

The Letter to the King alluded to in the above, was as follows:

"Sire, . *Hanover, Nov.* 30, 1723.

"I hope your Majesty will be graciously pleased to pardon the liberty I take, in presuming to lay before you my unbiassed thoughts, on the subject of your Majesty's journey to England. I have chosen to reduce them into writing, for no other reason, but because I thought I could state them clearer that way, than by word of mouth. I beg leave to assure your Majesty, that I have no other view in doing it, than to set this matter in the clearest light for your Majesty's determination, submitting it entirely to your Majesty, as I am in duty bound, to help forward and facilitate whatever resolution your Majesty in your great wisdom, shall think proper to take upon this and upon all other occasions.

"The parliament stands prorogued at present to the 19th of November, O. S. which is the 30th, N. S. and your Majesty has already given farther directions to have it prorogued to the 17th, O. S. which is the 28th of December, N. S. The next full moon is on the last day of November, O. S. which is the 11th of December, N. S. and as the moon rises but three quarters of an hour later one night than another, this moon will give light for seven or eight nights after, sufficient to prevent any danger of running on the coasts of England. Should your Majesty, therefore, set out from Hanover about the 14th or 15th of December, N. S. you may propose to embark about the 17th or 18th, which is the 6th or 7th, O. S. and, having the benefit of this moon, may hope to land in England a week or ten days before the time to which the parliament will then stand prorogued. By which means, before that prorogation expires, a proclamation may be published for proroguing it farther to about the 10th of January, O. S. which is the 21st, N. S. giving notice that it shall meet to do business at that time, which will be at a proper and convenient distance after the Christmas holidays, and your servants will have full time enough to concert the measures necessary for the conduct of the sessions. The time of the parliament's meeting thus early, being once settled and known, will give almost the same satisfaction and spirit to the nation, as if it were actually assembled; and Mr. Walpole, having already assured your Majesty, that he can find means for continuing the payments of the army and fleet till after the holidays, no inconvenience to the public service can possibly ensue.

"But should your Majesty let slip this moon, and wait for the next of the 10th of January, N. S. which is the last of December, O. S. notice cannot be given at next prorogation, of the parliament being to meet the 10th, to do business; because, even supposing your Majesty should have the quickest passage possible, your Majesty cannot be in London till the 3rd or 4th of January, which is the 14th or 15th, N. S. and the parliament being prorogued to the 10th, O. S. it will be impossible to open the parliament at the time appointed; but your Majesty must inevitably prorogue it at least for a fortnight longer, which will delay the opening of the parliament to the latter end of January, or beginning of February. But yet the parliament, requiring three weeks notice at least, cannot be brought together till some time in February; and it not being certain, whether the payments abovementioned, can be continued thus long, there will be evident danger of involving the public service in such difficulties, as may very much affect public credit, and occasion the greatest uneasiness throughout the nation.

"But should it farther happen, that the frosts should set in about that time in Holland, which may naturally be apprehended, no one is able to foresee how long your Majesty's passage may be delayed, nor what the consequence of such a delay may be. The public supplies (which are granted only from Christmas to Christmas) being exhausted, every branch of the public service must be at a stand: the parliament must meet late, and probably in ill temper, and the session must unavoidably be protracted to the middle of the summer months.

"After having thus stated to your Majesty, with the greatest deference and submission, the inconveniences which, it appears to me, may occur from possible accidents and delays, I once more beg leave to assure your Majesty, that though I have taken the liberty to give my opinion, yet whatever resolution your Majesty shall take, I shall most cheerfully, and with the utmost readiness and submission, do all in my power towards rendering it practicable and easy; having no other view or desire than that of conducting your Majesty's affairs on all occasions, in such manner as may be most to your own service and satisfaction."

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off: It would be a work truly worthy of a British parliament, to begin this commendable undertaking, and to make such a progress therein, as, with a strict regard to public faith and private property, may pave the way to this great and desirable end.

"My Lords and Gentlemen,

"In the present happy situation of our affairs, I have nothing more to recommend to you, than that you would make use of the opportunity, which your own good conduct has put into your hands, in considering of such farther laws, as may be wanting for the ease and encouragement of trade and navigation, for the employment of the poor, and for the exciting and encouraging a spirit of industry in the nation.

"I am fully satisfied, that the trade and wealth of my people are the happy effects of the liberties they enjoy, and that the grandeur of the crown consists in their prosperity; and I am as fully persuaded, that all, who wish well to their country, must agree with me, that it is the vainest of all delusions to imagine, that the religion, laws, and liberties of this kingdom, can ever be secured, but by supporting the present establishment, and maintaining the succession in the Protestant line. Let us therefore heartily join in every thing, that may tend to promote our mutual happiness, and to extinguish the hopes of those, who long have been, and still are restless in their endeavours to subject this nation to the whole train of miseries, that are inseparable from Popery and arbitrary power."

The Lords' Address of Thanks.] The King being withdrawn, the Lords resolved to present an Address of Thanks to his Majesty, which being drawn up, and agreed to, was, the next day, presented to his Majesty, as follows:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, humbly return your Majesty the Thanks of this House for your Majesty's most gracious Speech from the throne; and for your gracious acceptance of our sincere endeavours for your service during the last session. We cannot in justice but acknowledge, that the prosperous and flourishing condition, and the present tranquillity of the kingdom, are the natural effects of your Majesty's wise and steady government. Your Majesty's powerful influence in all your foreign negotiations, towards the preservation of the general peace, gives us very great satisfaction. We beseech your Majesty to believe nothing can be dearer to us, than your honour; and that we cannot think any thing of greater importance than the enabling your Majesty to maintain the tranquillity of Europe.

"We humbly beg leave, with hearts full of duty and gratitude, to acknowledge your Majesty's paternal care and tenderness, in desiring the ease of your people, from all unnecessary burdens, and your inexpressible goodness in declaring from the throne your full satisfaction, that the trade and wealth of your people are happy effects of the liberties they enjoy; and that the grandeur of your crown consists in the prosperity of your subjects. We beg your Majesty to believe, that nothing shall be ever wanting on our part, that can tend to the increase of your Majesty's happiness and glory; and that we are firmly and unanimously resolved, with our lives and fortunes, to maintain our present happy establishment, as the only solid foundation, upon which we can hope for the quiet enjoyment of our religion, laws and liberties."

The King's Answer.] His Majesty's Answer was as follows:

"My Lords;

"I give you my hearty thanks for this dutiful and loyal Address. Your affectionate concern for my honour and happiness is very acceptable to me. Be assured it shall be my constant care to preserve the rights and liberties of my people."

The Commons' Address of Thanks.] The Commons being returned to their House, the lord Finch moved, and being seconded it was resolved, *nem. con.* That an humble Address be presented to his Majesty, which was unanimously agreed to, and on the 11th, presented by the whole House, as follows:

"Most Gracious Sovereign;

"Your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to congratulate your Majesty upon your safe and happy return into these kingdoms; and most humbly desire your Majesty to accept the unfeigned thanks of this House, for your Majesty's most gracious speech from the throne. As your Majesty is pleased to found the grandeur of your crown in the security of the liberties of your people, and your glory in promoting their prosperity; so they, in return, must be excited, by all the ties of duty and gratitude, to build their happiness upon the firm and unshaken principles of loyalty and affection to your Majesty's most sacred person and government.

"It is the greatest satisfaction to your Majesty's faithful Commons to find, that the loyalty of their resolutions and the justice of their proceedings, in the last session of parliament, have been attended with all the happy consequences they expected from them; and now have been rewarded with your Majesty's royal approbation.

"We beg leave to assure your Majesty, that we shall readily and chearfully raise all such supplies, as shall be necessary to support the honour of your Majesty's government, and secure the tranquillity of these kingdoms.

"We are highly sensible of your Majesty's goodness to all your people, in recommending, particularly at this time, to our consideration the public debts of the kingdom; which are so

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heavy a load, and so much a national concern, that we should be wanting to ourselves, if we did not assure your Majesty, that we will use our utmost endeavours to improve and augment the sinking fund, and thereby put the national debt into a method of being gradually reduced and paid, without any violation of public faith, or infringement of private property: And as your Majesty is pleased to encourage our attempting so great and noble a design; so we are fully persuaded, that the wisdom and steadiness of your Majesty's government will enable us to perfect this great undertaking.

"We assure your Majesty, that we know of no other safety, under God, for our trade and wealth, liberty and property, religious and civil rights, but the security of your Majesty's sacred person and government, and the succession in your royal House; which we will always support and maintain against any traiterous attempt whatsoever; being truly sensible of the blessings we enjoy under your Majesty's most gracious and happy government, which has hitherto preserved us from all those miseries, experience has taught us, are inseparable from Popery and arbitrary power."

The King's Answer.] To this Address his Majesty returned the following Answer:

"Gentlemen;

"I return you my hearty thanks for this dutiful and loyal Address: The wisdom and resolution of this parliament have principally contributed to our present happy situation; and the perseverance of my faithful Commons, with the same zeal and unanimity, in the dispatch of the public business, will be the surest means of improving this favourable opportunity to the best advantage, for the honour and interest of the kingdom."

Debate in the Commons concerning the Number of Land-Forces.] January 22. The Commons in a Committee of the whole House on the Supply, read the Estimates of the Charge of the Guards, Garrisons, and Land-Forces, and Mr. Treby moved for keeping up the same number of troops for the year 1724, as were maintained the year before. This occasioned a warm debate which lasted five hours. Mr. Treby was supported by Mr. R. Walpole, Mr. Pelham, Mr. Doddington, Mr. Yonge, Mr. Thomas Broderick, lord Finch, serjeant Miller, Mr. St. John Broderick, Mr. Docminique, and Mr. Pulteney. But sir Wilfrid Lawson, who was supported by lord Morpeth, Mr. Bromley, sir Thomas Hanmer, Mr. Sloper, Mr. Shippen, hon. Mr. Verney, Mr. Hungerford, sir Joseph Jekyll, Mr. Jefferies, Mr. Walter Plummer, and Mr. Hutcheson, insisted, That the additional troops raised the last year should be disbanded, because there was, at this time, no apparent occasion for so great a number of forces. But the question being put upon the motion, it was carried in the affirmative by 240 votes against 100; and resolved, 1. "That the number of effective men to be provided for guards and garrisons in Great Britain, and for Jersey and Guernsey, for the year 1724, including 1815 invalids, be 18264 men, commission and non-commission officers included. 2. That a sum not exceeding 655,668*l.* 8*s.* 7*d.* be granted for defraying the charge of the said 18264 men, for the year 1724."

Jan. 23. The above Resolutions, being reported, were agreed to by the House.

Resolutions respecting the Public Debts.] February 13. Mr. Farrer, according to order, reported from the Committee of the whole House, to whom it was referred to consider of that part of his Majesty's Speech, which relates to the National Debt, the following Resolutions:

1. "That, towards lessening the public debts and incumbrances, the annuities payable after the rate of 5*l.* per centum per annum, and charged on the general fund by a clause in the Act of Parliament, of the fifth year of his Majesty's reign, intituled, 'An act for granting 'to his Majesty an aid, by a land tax, to be 'raised in Great Britain, for the service of the year 1719, other than, and except, such of them as have been subscribed into the capital stock of the South-Sea Company, be redeemed, and paid off, at Lady-day 1724.

2. "That all the principal, and interest after the rate of 5*l.* per centum per annum, payable for or on the several standing orders made, or to be made, for, on in respect of, the blank-tickets only in the Lottery for 1,400,000*l.* granted for the service of the year 1714, which shall remain due, and in arrear, at Lady-day 1724, other than, and except, so much thereof as has been subscribed into the capital stock of the South Sea Company, be then paid off, and discharged.

3. "That so much of the monies arisen, or to arise, at or before Lady-day 1724, of or for the surpluses, excesses, or overplus-monies, commonly called the sinking fund, and then remaining in the Exchequer, as will be necessary to redeem, and pay off, the said annuities principal and interest; and also to redeem the two annuities, which, by the act, of the ninth year of his Majesty's reign, intituled, 'An Act 'for redeeming certain annuities, payable by 'the cashier of the Bank of England at the 'rate of five pounds per cent. per ann.' were enacted to be redeemed at Lady-day 1724; shall be issued, applied, and disposed of, for completing such redemptions and payments, as aforesaid, in the first place; and, subject thereto, to the same uses as they are now appropriated to by any former act or acts of Parliament.

4. "That, towards lessening the Public Debts and incumbrances, the principal sum of 1,775,027*l.* 17*s.* 10½*d.* now owing to the governor and Company of the Bank of England, in lieu of certain Exchequer-Bills, formerly by them delivered up, and cancelled; and which, by an Act of Parliament, of the third year of

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his Majesty's reign, intituled, 'An Act for redeeming several funds of the Governor and Company of the Bank of England, pursuant to former provisoes of redemption; and for securing to them several new funds or allowances, redeemable by Parliament; and for obliging them to advance further sums, not exceeding 2,500,000*l.* at five pounds per centum, as shall be found necessary to be employed in lessening the national debts and incumbrances; and for continuing certain provisions formerly made for the expences of his Majesty's civil government; and for payment of annuities formerly purchased at the rate of five pounds per cent.; and for other purposes in this act mentioned;' was to be attended with an annuity of 83,751*l.* 7*s.* 10½*d.* being after the rate of 5*l.* per cent. per ann.; and to be redeemable by parliament upon a year's notice; be paid off, and redeemed at the feast of the Nativity of St. John Baptist, which shall be in the year of our Lord 1725, according to the proviso or power of redemption contained in the same act, for that purpose."

The said Resolutions, being severally read a second time, were agreed unto by the House, and a Bill was ordered to be brought in, pursuant to the three first of the said Resolutions.

Order of the Commons respecting Protections.] Feb. 18. The Commons took into consideration, the Lists of Protections laid before the House by the secondaries of the two compters of London, and the under-sheriff of the County of Middlesex. And the Standing Order of the House of the 31st of January 1718 was read accordingly, and is as followeth, viz.

'Ordered *nem. con.*

'That all Protections and Written Certificates of the Members of this House be declared void in law, and be forthwith withdrawn and called in; and that none be granted for the future; and that if any shall be granted by any member, such member shall make satisfaction to the party injured, and shall be liable to the censure of this House.' Upon which it was ordered, *nem. con.*

"That the said Standing Order be reprinted and published by setting up the same in the Lobby at the House door, at Westminster-Hall gate, and at the several courts in Westminster Hall, and at the inns of court and inns of chancery, and at the Royal-Exchange, and at the two Compters in London; and that the knights and commissioners of the shires do send copies thereof to the sheriffs of their respective counties, and the citizens to their respective cities, and the burgesses and commissioners of the boroughs to their respective boroughs."

Petition from the Sufferers by the Bahama Project.] Feb. 21. Sir John Guise presented to the Commons a Petition of sir Gustavus Hume, and George Pratt, esq. and several other persons who were Sufferers by becoming Adventurers in the Project for carrying on a trade to the Bahama Islands, setting forth,

"That in or about the month of June 1720, a very large Subscription for money was set on foot and carried on, under a pretence of promoting a very beneficial trade to the Bahama Islands, and likewise for a sale of the said Islands, among such persons as should be induced to become sharers or adventurers in the said project; and that a very considerable sum of money of about 60,000*l.* had been subscribed and actually paid into the hands of some persons who were at the head of the said project, and did undertake to manage and promote the several interests of the Petitioners; and that from the commencement of the said Subscription to this time, frequent and repeated applications have been made to the persons who have had the direction and management of the said Project; but no manner of satisfaction can be obtained by the Petitioners, who apprehend that without the interposition of this House they shall not be able to recover the sums of money they were induced to subscribe and pay in; and praying, The House will take the premises into consideration, and grant them such relief as to them shall seem meet."

The said Petition rejected.] After the reading of this Petition, a motion being made, That the said Petition be referred to the consideration of a Committee, many members were inclined to the affirmative.

Mr. *R. Walpole* did, thereupon, represent, That this Petition seemed intended to open again the wounds of the year 1720, which the Parliament, with great wisdom, had endeavoured to heal; that if they countenanced such a Petition, they would soon have a load of petitions of the same nature brought upon them; and that the law being open, the Petitioners ought to seek their relief there, where many had already found it. To this

The Lord *Morpeth* replied, That the rejecting of this Petition would sound very ill without doors, and look as if they screened their own members; some of whom were known to have been the principal managers of the Bahama project:

But Mr. Walpole's reasons carried such weight, that the question being put upon the motion, it passed in the negative.

Order of the Lords respecting Protections.] February 25. The order of the day being read for taking into consideration the several Lists of Certificates of written Protections, delivered at the bar by the Secondaries of the two Compters in London, the under-sheriff of Middlesex, and the high-bailiff of Westminster, which are entered in their respective offices; the standing Order of the House of the 15th of April, 1712, in relation to certain written Protections, being read, the following Order and Declaration was made, viz.

"That all the said written Protections are null and void; and all other Protections, which shall be, at any time hereafter, given contrary to the said standing Order, shall be taken to be null and void; and that no sheriff, under-sheriff, deputy-sheriff, secondary, or other officer,

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whose duty it is to issue any legal process, or to execute the same, or cause the same to be executed, shall receive or allow, or have any regard to, or make any entry in his office, of any written Protection, which is or shall be signed, or pretended to be signed, by any Lord of this House; but that nothing herein contained shall be understood in any sort to derogate from the ancient privilege of the Lords of Parliament, with respect to their menial servants, and those of their family, as also those employed necessarily and properly about their estates, as well as their persons, or to expose to arrests those, who are really servants to them, as aforesaid."

Then it being moved, That the same be made a standing Order; ordered, That on Saturday next the House will take the said motion into consideration: Accordingly on the 29th of February the House proceeded to take into consideration the above-mentioned motion; and the same being read, was ordered to be entered on the Roll of the standing Orders of the House, and to be forthwith printed and published, and affixed on the doors belonging to the House, and Westminster-hall.

Petition respecting Foreign Gold.] March 3. A Petition of several merchants and other traders in and about the city of London, was presented to the House of Commons, and read, setting forth:

"That great quantities of Foreign Gold and English Broad Pieces are offered in payment to the Petitioners in the common course of trade, and on inland bills of exchange, which if they refuse to take they are prevented receiving their just debts; that when the Petitioners have received such gold they cannot pay away the same for customs, excise, or any other taxes, which is a very great difficulty and hardship upon them, and a great obstruction of trade, and the due circulation of money, and therefore praying, That English Broad Pieces, and all foreign gold may be prohibited passing in payment, or else may be taken for customs, excise, and all other branches of the public revenue, or that the House will afford them such other relief as shall seem meet."*

The said Petition was ordered to be taken into consideration on the 10th instant.

Debate in the Lords on the Mutiny Bill.] March 16. The Lords being in a Grand Committee on the bill, 'For punishing Mutiny and Desertion,' there arose a debate, upon the motion made by

Lord *Trevor*, for leaving out of the number of the Land Forces to be continued, the 4,000

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* This Petition was backed by the following Paper, which was delivered to the members, viz.

"REASONS humbly offered, to prohibit English Broad Pieces and all Foreign Gold from passing in Payment, unless they are taken in all the Public Revenues.

1. "Many persons that import foreign gold pick out the lightest pieces to pass in payment, and sell the heaviest by weight; which are frequently coined into guineas, and the light pieces are imposed upon the manufacturers and other traders, and when they have been forced to take such gold, the same is again imposed upon others, and such as will not comply therewith are kept out of their money, which produceth many difficulties and quarrels amongst the people, and is a great obstruction to trade, and the due circulation of money.

2. "Those who have money to pay on any part of the King's revenue, and particularly on bills of exchange to the Excise-office, or Custom-house, are put to very great difficulties to procure money to answer the demands of the government, for though they are obliged to receive such gold, none of the public officers belonging to the crown will receive it again, so that the traders are not only under great difficulties, but the payments on the revenues are daily postponed, which is a great loss to the public.

3. "Foreign gold, and particularly moidores, are easily counterfeited, and some are done so exactly, that few can distinguish the bad from the good, and English Broad Pieces are often clipt. Such gold passing in payment is a great damage to the nation.

4. "In order to prevent these great inconveniencies it is humbly proposed, That English Broad Pieces and all foreign Gold whatsoever, may be prohibited passing in payment, and then they will be quickly coined into guineas, which will make such an alteration in the circulation of money, that trade in general will quickly feel the good effects thereof.

5. "The objection that some persons may make to the foregoing proposals is, That it will discourage the importation of foreign gold, but that is only a vulgar error, for if the balance of trade is in our favour, there will be no less quantity of gold imported, which as it comes in will naturally go to the Mint to be coined, which has always been the usual channel, till of late years they have found this new method of picking out the lightest pieces and imposing them upon the subjects, and melting the heaviest, or selling them by weight.

6. "But if it is thought that the foregoing reasons are not sufficient, but that it is an advantage to the nation that Broad Pieces and foreign gold should pass in payment, then it is humbly proposed that such gold shall be taken for customs, excise, and all payments whatsoever that are made to the government: for it seems unreasonable that any coined money should pass in payment between subject and subject, but what will be taken in all the public revenues.

"And if it be supposed that the currency of foreign gold in the way of trade promotes the importation thereof, the extending its currency to all the public offices must much more promote such importation."

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additional men raised the year before. His lordship represented, That the Conspiracy mentioned in his Majesty's Speech at the opening of the last session of parliament, which was the occasion of this augmentation of the Land Forces, being happily extinguished, and thereby the cause of raising that additional number removed, there was not the least pretence for continuing that number: That the keeping on foot a greater army in time of peace, than was absolutely necessary for the security of the King's person and government, was very dangerous to our happy constitution: and, considering the great tranquillity we enjoyed, both at home and abroad, he could not but apprehend the number of regular forces, allowed by this bill, to be much greater than was necessary for that end. That if so great an army was allowed to be continued, in our present happy circumstances, a Standing Army would thereby become an essential part of our constitution, since the reasons for keeping it up in perpetuity would grow stronger every year, and in every succeeding reign: for on the one hand, it cannot, with any probability, be foreseen or expected, that in any future time, there will be less reason to be given, than at present, for justifying the necessity of keeping up so great an army, there being now as little danger to our present happy establishment, to be feared, either from insurrections at home, or by any disturbance or invasions from abroad, as the nature and instability of human affairs will allow of. And on the other hand, if so numerous an army be at present allowed of in parliament, no argument can hereafter be urged, for the reducing the number in any future reign, but what will seem to carry with it too great a distrust of the prince then on the throne, and will be construed to imply, that the same confidence is not to be reposed in him, as in his predecessors. His lordship added, It was not out of any distrust he entertained either of his Majesty or his ministers, that he was for reducing part of the army: that, on the contrary, he was fully convinced his Majesty will never make an ill use of his power, of which they had a sure earnest in the moderation with which his Majesty had governed hitherto: but as they could not promise themselves and expect, that so good and so just a King should always fill the throne, it was prudence early to prevent the inconveniences and dangers to which our excellent constitution and liberties should be exposed, in case, in any succeeding reign, an ambitious prince and ill ministers, should have so great a number of troops at their disposal. That it was notorious, that all the states of Europe that have lost their liberties, have been enslaved by their own armies, whose officers and commanders growing every day in power, do, at last, turn it against those from whom they had at first their commissions; of which we had a fatal example in England, still fresh in our memories, in the person of Oliver Cromwell. That besides the 4,000 additional men, the regular forces were double the number of those kept on foot, after the peace of Ryswick, in the reign of king William of glorious memory; and more numerous, by one third, than in the late Queen's reign after the peace of Utrecht; that they are more than sufficient to secure the government against any sudden intestine commotion; which is the less to be apprehended by reason of the general affection which the people had lately shewn in taking the oaths, though many of them that took them were not required to do it, by the act passed the last session; and he was confident, that except a few persons of desperate principles and fortunes, who might hope to fish in troubled waters, there was nobody in England that had any thing to lose, that wished for a revolution. That if we looked abroad, it appeared, that by the happy influence of his Majesty's wise counsels, and the good alliances that had been entered into and cemented, all Europe enjoyed a profound peace, which, in all probability would be lasting: but that in case of a rupture with any neighbouring prince, our fleet, which was certainly the most numerous and the best in all Christendom, would defend us against any foreign invasion or insult. That the pay of the 4,000 additional men, amounted to a good sum of money. That, indeed, at another juncture, that expence might easily be borne; but that in the present circumstances, when the nation is involved in so great a debt, and groans under the load of heavy taxes, this additional charge is very considerable. That his Majesty, in his gracious Speech, at the opening of this session of parliament, having in a particular manner recommended to the House of Commons, the putting the National Debt in a method of being gradually reduced and paid: It was with the greatest satisfaction he took notice, that a progress had already been made in that great and important undertaking; and that, in order to improve that good beginning, not only the pay of these additional forces, but also all other needless expences, ought, in his opinion, to be applied to the increase of the Sinking Fund. His lordship concluded as he had begun, with most earnest professions of his sincere and entire affection for his Majesty's sacred person and government, and for his royal family, on whose prosperity, under God, absolutely depend both our present felicity, and the preservation of our laws, liberties, properties, and holy religion.

The Lord *Townshend* answered lord Trevor, and said, That he agreed with that noble lord, in some parts of his speech, but was very sorry he differed from him in others. That he was thoroughly persuaded of his entire affection to his Majesty's person, and the present happy settlement; nor did he, in the least doubt, but that he saw with pleasure, the progress that had already been made towards reducing the National Debt, but that, at the same time, they ought to consider, that as the happy tranquillity we at present enjoy, is, in some measure, owing to the strength of the government, so it was prudence not to weaken that

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strength, because the same affects public credit, which being founded on the security of the government, if that security was rendered precarious, they would soon see the funds and stocks fall 10 or 12 per cent. which would render the reduction of the National Debt altogether impracticable, since it was impossible to reduce that debt otherwise than by public credit. That it was notorious, that before the last augmentation of regular forces, the government could not form and march a body of 3 or 4,000 men, against any sudden attempt, either at home, or from abroad, without leaving the king's person, the royal family, the capital of the kingdom, and the fortified places exposed; and therefore the said augmentation was become absolutely necessary to prevent these dangers and inconveniencies. That the number of troops now on foot was not so great as to afford any just ground of jealousy, since the present forces are much inferior to those the crown had formerly. That by the ancient and Gothic constitution of the government, the king had at his disposal the militia of the realm, which chiefly consisted in archers, who were kept in constant discipline and exercise, the memory of which is still preserved, there being almost in every village a place called But-lane. That the invention of fire-arms had made a great alteration in the ancient constitution; and, instead of archers, the crown raised as many regular troops as were thought necessary, upon any emergency. That queen Elizabeth, who had many enemies both at home and abroad, constantly kept a considerable body of troops in the Netherlands, without any contradiction from her parliaments, and thereby maintained herself on the throne, and overcame all her enemies. That if king Charles 1 had steered the same course, he might, in all probability, have preserved both his crown and his life, since he lost both, only for a want of a sufficient force to suppress faction, which was the principal source of all the calamities and enormities, in which the nation was afterwards involved. That upon the Restoration of king Charles 2, they who, at that time, had the management of affairs, did not think it proper to keep up a great number of regular troops, and therefore chose to restore to the crown its ancient power over the militia of the kingdom; but there was a secret in that. That king James 2 had an army of 20,000 men, which would have secured to him the crown, had he not given a general disgust, by endeavouring to subvert the constitution in church and state. That in the reign of king William, when the Parliament disbanded the army after the Peace of Ryswick, they fell upon a project to secure the government, which was to discipline the militia; but that they soon perceived the unprofitableness of that scheme, militia proving a great burden to the people, and of no service to the government. That the reduction of the army had then a double ill effect; for it obliged king William and his ministers into a Treaty of Partition; and encouraged France to break that treaty, which occasioned a second war, and was the source of two thirds of that heavy debt under which the nation labours at this day. That the disbanding of the army had almost the same ill effect in the reign of the late queen, having encouraged Lewis 14 to furnish the pretender with a land force and a fleet to invade these kingdoms. That if at present they weakened the hands of the government, we should be exposed to the like insults. That if our enemies may be credited, in an affair, in which it is their interest to speak truth, they seemed confidently assured of success, in their design of overturning the government, provided they had only an assistance of 3 or 4,000 men from abroad: and that considering the method now practised in embarkations, how strong soever our fleet may be, it was impossible to hinder a foreign prince, who should have a mind to undertake it, to throw such a number of men upon England. That the constant tenor of his majesty's administration, ought to convince every body, that by the continuing the number of regular forces now on foot, his Majesty and his ministers have nothing in view but the public safety and security, and thereby to give the people an opportunity of improving their trade, as the only means to retrieve their former losses.*

The Duke of *Wharton* said, That though he was sensible whatever he could offer, would have but little weight, nevertheless, as the matter under debate was of the last importance, and highly concerned the fundamental constitution, he thought it incumbent upon him, as a member of that august assembly, to deliver his opinion; hoping, that any mistake he should commit, would be excused upon account of his want of experience: That he wondered the noble peer who spoke last, should suggest, that without the additional troops raised last year, a body of 3,000 men could not be drawn together: That he might easily be contradicted, since, before the raising of those troops, we had seen near the capital of the kingdom, a

* "Slow in his parts, rough in his manner, impatient of contradiction, the humane, generous, and benevolent lord Townshend, was inelegant in his language, often perplexed in his arguments; but always spoke sensibly and with a thorough knowledge of the subject." Dr. Maty's Life of Lord Chesterfield.

"Talk what you will of Taste, my friend, you'll find
"Two of a face, as soon as of a mind.
"Why, of two brothers, rich and restless one
"Plows, barns, manures, and toils from sun to sun;
"The other slights, for women, sports, and wines;
"All Townshend's turnips, and all Grosvenor's
"mines."

Pope's Imitations of Horace, B. 2. Ep. 9.

"When this great statesman retired from business, he amused himself in husbandry; and was particularly fond of that kind of rural improvement which arises from turnips; it was the favourite subject of his conversation."

Warburton.

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camp of between 3 and 4,000 men, consisting only of the king's guards, which was sufficient to secure the government against any sudden attempt: That he thought it no less strange, that in an affair of so great importance, and in the supreme council of the realm, any mention should be made of the opinion of enemies; that by this, he supposed, were meant the abstracts of some intercepted letters, and anonymous intelligence, that were printed last year; on which he thought no stress ought to be laid, but rather be looked upon as the empty imaginations of disaffected persons, who through the natural propensity of all men to believe what they wish for, easily deceive themselves, and fondly entertain with vain hopes those they endeavour to engage in their cause: That considering the present great tranquillity at home, and the happy situation of affairs abroad, there seemed to be no occasion for keeping up so great a number of forces: That by his Majesty's councils, and powerful influence, a general peace was established in Europe, which, in all appearance, would last many years: That some accidents which, it was feared, might have disturbed it, had had contrary effects: That the death of the Regent had made no alteration in France, for things did run there in the same channel, and the duke of Bourbon, who had succeeded the late duke of Orleans in the administration of affairs, seemed resolved to cultivate the friendship and good intelligence his predecessor had established between the two crowns: That, in relation to Spain, king Philip's abdication would prove advantageous to the peace of Europe, because the Italian faction, and ministry, which espoused the Pretender's cause, were thereby laid aside: And as for the emperor, he hoped they had nothing to fear from him, unless he would quarrel with us, for our kindness and good-nature to him, in suffering his establishing an East-India Company at Ostend, to the prejudice of our own company. But nevertheless, he hoped a good correspondence would still be maintained between the two courts: That thus there was nothing to be feared from abroad, and yet much less at home: That the noble lord who spoke before him, had run over a great part of our English history, and had endeavoured to shew the difference between the ancient Gothic government, and our modern constitution: That he would not follow him close through his long account of bows, archers, and fire-arms; but would content himself with taking notice, that, according to that noble peer, the power of the Militia was anciently, and still remained in the crown; but that it was observable, that in some former reigns, regular troops supplied the place of the Militia; and in others, funds were provided to discipline the Militia, and render them useful, in order to supply the wants of regular troops: But that at this time, when the crown is possessed of as much power over the Militia as ever, if so great a number of regular forces be allowed to be kept up, the fundamental constitution will be entirely overturned, since thereby an additional strength is given to the crown, without any equivalent to secure the rights and liberties of the subject: That our ancestors having ever judged the Militia sufficient to secure the government, we ought not to deviate from that wise institution without evident necessity: That the Militia are not so useless, nor so much to be despised, as some would pretend, since they did notable service during the last rebellion, even in some counties the most disaffected to the present settlement; and, if care was taken to discipline them well, he did not doubt but they might be made more useful: That the expence of raising and exercising the Militia might be greater than of regular forces, but that as the danger to our liberties would be much less from the Militia, so would the expence be more easily borne by the people: That, in justice to the officers of the army, he would readily acknowledge, that many of them had appeared zealous defenders of the liberties of their country, and had laid the foundation of our present happiness, by refusing to concur in the designs of the late king James 2. But that he had heard wise men say, that if that Prince had turned out the old officers he could not trust, and made new ones from among the common soldiers, king William would not easily have brought about his enterprise, at least there would have been more bloodshed: That after all, standing armies are inconsistent with a free government: And that hereafter an ambitious Prince, and ill designing ministers might make use of them to invade our liberties: That the single instance of Oliver Cromwell, who came to the House of Commons, and turned out with open force the very men from whom he had his authority,* was an example, which they ought ever to have before their eyes: That though they had nothing to fear under his Majesty's auspicious reign, or from the illustrious princes of his royal family; yet it cannot be expected that the throne shall always be filled by such princes: That besides, we are not so happy as to have the King always amongst us; That at least once every two years his Majesty goes over to his dominions abroad; that for his part, he was so far from finding fault with it, that he rather thought it for our advantage, because he could from thence have a nearer prospect of the affairs of Europe, and watch for our security: But that, on the other hand, if it should happen, that during his Majesty's absence the absolute command of the army shall be delegated to one single person, our liberties and properties might be in great danger, because such an authority is equal to that of a stadtholder in Holland: That he was both surprised and sorry to see that a lord, who had so great a share in the administration, should, in so solemn and important a debate, fetch arguments from Exchange-Alley, and thereby put our most essential concerns in competition with those of a few stock-jobbers: That nothing, in his opinion,

* See vol. 3, p. 1381.

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could more effectually keep up and advance public credit, than the confidence his Majesty would seem to repose in the affections of the people, by disbanding part of the army; and that the same would have the like good effect with foreign princes: Whereas, if the court seemed to think so great a number of troops necessary in time of peace, it visibly implied a distrust of the affections of the people, which might increase the disaffection at home, and lessen his Majesty's credit and interest abroad.

The Lord *Bathurst*, who spoke next, observed, That what distinguishes most a good prince from a tyrant, is that the latter never thinks himself safe, without a great number of troops, whereas the first intirely confides in the affections of his subjects: That this was the course which that wise princess queen Elizabeth steered; for though she had many enemies, both at home and abroad, yet she never kept standing forces in England, but defeated all the attempts against her person and government with her Militia and her fleet: That upon king Charles the Second's restoration, that Prince had a very plausible pretence to have an army; but his ministers the earls of Southampton and Clarendon, great patriots as well as great politicians, considering the calamities an army had brought upon the nation under Cromwell, wisely judged that standing forces are inconsistent with the liberties of England; and that the power of the Militia, with the addition of horse and foot-guards, were sufficient to secure the king's person and government: That, indeed, they had been told by a noble lord of the other side, that there was a secret in it: That, for his own part, he could not guess what that secret could be, but he wished there might be no secret, at present, in the keeping up so great a number of forces: That the late Revolution was miraculously brought about, considering the great number of forces king James 2 had on foot; but as miracles do not happen every day, neither is it prudence to expect them, but rather to endeavour to prevent such dangers, as would infallibly have come to pass, had not Providence visibly interposed: That he had a very good opinion of many officers in the army, and had an esteem for them, not only as gallant soldiers, but as good Englishmen that would not enslave their country; but yet he would not trust his liberty or property in the hands of men that might take them away, if they pleased; for he knew no great difference between a man being a slave, and being in the power of them that can make him one: That of all men, soldiers are known to be ambitious of advancing, and exercising their authority; and that the example of Cromwell's army, who turned out the parliament that raised them, ought to be a constant warning against regular troops.

Lord *Carteret* urged, That the public tranquillity proceeded from the security of the government, and as this security was in some measure owing to the additional forces, the latter were become necessary to preserve that happy tranquillity. His lordship shewed the great advantages that flow from the security of the government; the regard of foreign princes and states for the crown of Great-Britain; the weight of his Majesty's councils in negotiations abroad, which had established a general peace in Europe; the restoration of credit at home, which had furnished the means of putting the public debts in a method of being gradually reduced; but if that security was removed, it would immediately affect public credit, and thereby the opportunity would be lost, for easing the nation of that immense load of debts it labours under: That he did not deny what a noble peer had advanced, that before the last additional forces were raised, there had been a camp of 3 or 4,000 men in Hyde-park; but that these were necessary for the king's guard, and the defence of the city of London, and therefore could not be spared to march either against an enemy that should invade us, or to suppress any sudden insurrection at home, without exposing his Majesty's person, the royal family, and the capital of the kingdom. That the present happy situation of affairs in Europe seemed, indeed, to promise a lasting peace; but that human things are subject to so unexpected vicissitudes, that the greatest calms are often disturbed on a sudden by violent storms. That in case of a rupture, it would be an easy matter for an enemy to throw in a body of troops upon us, to raise a new rebellion in favour of the Pretender, whose friends, it is to be feared, are still but too numerous, and though quiet at present, by reason of their late disappointments, yet are ever ready to throw off the mask, as soon as they shall see themselves supported by a foreign prince. That whatever force we may be supposed to have at sea, it is hardly possible to prevent a sudden invasion: That though king James 2. had a numerous fleet at the mouth of the Thames, yet the prince of Orange passed by undisturbed, and landed his army at Torbay: That when, in 1708, Lewis 14 undertook to set the Pretender on the British throne, his fleet, notwithstanding all the efforts we could make, carried their main design, which was to reach Scotland, where they might have landed; and all that our fleet could do, was only to take a straggling ship: That when Cardinal Alberoni, in 1719, formed the project of an invasion upon Great Britain, he landed some of his men without opposition in Scotland; and had it not been for the contrary winds that detained his main fleet on the coasts of Spain, he would, in all probability have landed a much greater force in England: That the additional troops were not indeed sufficient to oppose any considerable force sent against us by a powerful neighbour; but that, however, they were sufficient to defeat any unavowed attempt, and to make a stand against any sudden invasion, and thereby give time for reinforcing the army: That as the continuing these additional troops would shew the

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confidence the nation reposed in his Majesty, and the good opinion the people had of the present government, so the disbanding of them would have the contrary effect; and therefore he was for keeping them up.

The Earl of *Strafford* said, They were obliged to that noble peer for delivering his meaning so plainly, that it was impossible to mistake it. That according to him the present number of forces were essential to our security, and therefore might be said to be essential to our constitution. [Hereupon the lord Carteret explained himself, and said, That in our present circumstances, he thought the number of 18 000 men absolutely necessary.] My lord Strafford replied, That the being absolutely necessary was much the same with being essential: That since the forces now on foot were made the cause of our tranquillity; and it was inferred from that position, that they were absolutely necessary to secure that tranquillity, it is plain they are thereby made an essential part of our constitution. For as it was owned, that we had nothing to fear either at home or abroad, he could not foresee that any argument hereafter could be urged for reducing the present number; but it was rather to be apprehended, That plausible pretences might be found for increasing them upon the least appearance of real or feigned danger. That in case of an insurrection at home, or an invasion from abroad, the army might easily be augmented, as was done in 1715, with wonderful expedition and success; and that to the praise of a late minister, (the earl of Sunderland) it must be owned, that as soon as the occasion, for which those additional troops were raised, was over, he caused them to be disbanded. That in that rebellion the militia performed notable service, even in a county thought to be generally disaffected. That by disbanding the additional troops, and thereby easing the nation of part of the heavy burden it labors under, the King would gain the affections of his people, which would be a greater security at home, and procure more regard abroad, than the inconsiderable reinforcement of 4000 men, the continuing of which would be a shrewd indication of the unsettledness of the government, and shew a jealousy of the people.

The Duke of *Argyle* replied, That this debate having taken up much time, he would contract within a narrow compass what he had to say. That the chief argument to support the motion for disbanding the additional troops, was, the danger of a standing army to a free government. That he did allow there was indeed some danger, but not so great as to overbalance the good, which this small number of troops may do, in the present situation of affairs. That there is a vast difference between an army established in perpetuity, and a temporary army. That if the present number of standing troops were voted to be perpetual, there might, indeed, be great danger to our happy constitution; but as they are only continued from year to year by parliament, there is little or nothing to be apprehended. That it is not many years since we have seen an English army refuse to concur in the overthrow of the fundamental laws of their country; and it is to be hoped they never will. That, however, it requires some time to model an army, and to gain the officers: and if in that interval, it should be perceived that sinister designs were carrying on against liberty and property, by means of the army, the Parliament may, in such a case, apply a speedy remedy, by reducing it; and then he would be the first man that should give his vote for it. That the expence of maintaining the additional forces, was inconsiderable, and much less than the charge would be, in case of necessity, of sending for troops from Holland or Ireland. That foreign auxiliaries are always, not only more expensive but more dangerous, or grievous to the people, because they cannot be kept in so strict discipline, as in their own country. That the disbanding so great a number of troops after the peace of Utrecht, and not having a sufficient force to secure the government, upon his Majesty's happy accession, had been the principal cause of the rebellion in the year 1715, the friends of the Pretender having been thereby encouraged to shew themselves. That if he saw the nation unanimous in opinion, That our laws, liberties, properties, and holy religion entirely depend on the present happy settlement, and on the Protestant succession in his Majesty's royal family, he would readily give his vote for reducing the army: but he was afraid some people so strenuously insisted on the disbanding of the additional troops, with no other design than to weaken the government, and thereby have an opportunity of involving their native country in new troubles; and therefore those noble lords who had spoke for the reduction, would do well, when they went down into their several countries to assure the people, with whom no doubt their reasons would not fail having great weight, that their liberties and properties were entirely safe under his Majesty's auspicious government.

The Earl of *Strafford*, who thought himself glanced at, declared, That he utterly detested the very thoughts of a civil war; which, let it end which way it will, is always fatal to the country in general, and to all private persons.

Protest against the Mutiny Bill.] Then the Bill was read the third time, and the question being put, That the same do pass, it was resolved in the Affirmative by 77 against 22.

"Dissentient'

1. "Because the keeping on foot a greater army in time of peace, though by consent of Parliament, than is absolutely necessary for the security of his Majesty's person and government, is, we conceive, very dangerous to our happy constitution; and we cannot but apprehend, the number of men allowed by this *Bill*

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to be much greater than is necessary for that end.

2. "Because the conspiracy mentioned in his Majesty's Speech at the opening of the last session of Parliament, which was the occasion of an addition of about 4000 men, is now at an end; and therefore the cause of raising that additional number being perfectly removed, there does not appear to us the least colour of reason for continuing of that number.

3. "Because, as we conceive, the continuing so great a number of men this year, will be a precedent of too great weight for continuing the same number of troops in perpetuity; for we cannot, with any possibility, foresee or expect that, in any future time, there will be less reason to be given, than at present, for justifying the necessity of keeping up so great an army; there being at this time, in our opinion, as little danger to our present happy establishment, to be feared either from insurrections at home, or by any disturbance or invasion from abroad, as the nature and instability of human affairs will well allow of: and we cannot think the fears of remote or imaginary dangers a sufficient argument for so great a present mischief as such an army must bring upon the kingdom, not only from the great charge and expence of maintaining them, when we are involved in so great a debt, but also from the jealousies which may from thence arise in the minds of many of his Majesty's good subjects of their liberties thereby being endangered; and we cannot but be apprehensive, that if so numerous an army be agreed to in Parliament for some time longer, no argument can hereafter be urged for reducing the number in any future reign, but what will seem to carry with it too great a distrust of the prince then in possession of the throne; and will be thought to imply, that the same trust and confidence is not to be reposed in him as in his predecessors; and this may discourage some persons hereafter from giving their advice to the crown, upon this most important subject, with that perfect freedom which ought ever to maintain and exert itself in the debates and resolutions of this great council.—— *(Signed)*

W. Ebor', Strafford, Trevor, Foley, Compton, Bathurst, Wharton, Weston, Aylesford, Bristol, Bingley, Scarsdale, Fran. Cestriens', Guildford, Litchfield, North and Grey, Boyle, Gower, Mountjoy, Uxbridge."

The King's Speech at the Close of the Session.] April 24. The King came to the House of Peers, and being in his royal robes seated on the throne, with the usual solemnity, sir William Sanderson, gentleman usher of the Black Rod, was sent with a Message from his Majesty to the House of Commons, commanding their attendance in the House of Peers. The Commons being come thither accordingly, his Majesty was pleased to give the royal assent to several public and private Bills. After which the Lord Chancellor said,

"My Lords, and Gentlemen;

"I have received his Majesty's commands, from the throne, to declare to you, in his Majesty's name and words, the reasons of his Majesty's coming this day to parliament, as follows:

"My Lords, and Gentlemen;

"The unanimity, chearfulness, and dispatch, with which you have now finished every thing I recommended to you at the opening this session, are fresh instances of your affection to my person and government; and cannot fail of contributing, with the blessing of God on our endeavours, towards the establishment of that happy tranquillity we now enjoy both at home and abroad.

"Your continuing the like national force by sea and land, this year, as was judged necessary by Parliament for the service of the last, gives me great satisfaction: you have thereby wisely provided against the mischiefs from any sudden shocks to public credit; you have provided for the safety of the kingdom; and have enabled this nation to hold, among the powers of Europe, the rank and figure due to her honor and dignity. Nothing could have been more acceptable to me, than your having been able to make that provision without laying any new or additional burthens on my people.

"Gentlemen of the House of Commons,

"I return you my thanks for the care and pains you have taken, towards the augmenting the Sinking Fund, and improving the Public Revenues, by putting them under a stricter management: I make no doubt but that the happy beginning you have made will be attended with such immediate good consequences, as will encourage you to pursue the way you have now opened, for a gradual reduction of the Debt; and for putting the trade and navigation of Great Britain on such a foot, as may not only in some measure discourage the unjustifiable encroachments they labour under from some of our neighbours, but at the same time extend her exportations beyond what has been known in former ages.

"My Lords and Gentlemen,

"As the early recess which your diligence and unanimity has procured you, affords you the opportunity of a longer retirement into the country than the business of former sessions has usually allowed of; I assure myself, that you will carry with you thither the same zeal for the public good, with which you have been animated in parliament; and that you will make it your business to discountenance any remains there may be yet left of sedition or disaffection; and to promote that perfect harmony and confidence between me and my people, which I most earnestly desire, and on which our mutual happiness entirely depends."

Then the Lord Chancellor, by his Majesty's command, said:

"My Lords and Gentlemen, it is his Majesty's royal will and pleasure, that this present

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parliament be prorogued to Thursday the 4th day of June next, to be then here held: And this parliament is accordingly prorogued to Thursday the 4th day of June next."*

THIRD SESSION OF THE SIXTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] November 12. The King came to the House of Peers, and the Commons attending, the Lord Chancellor read his Majesty's Speech to both Houses as follows:

"My Lords and Gentlemen;

"I am persuaded, you share with me in the satisfaction I feel at the prosperous situation of affairs: peace with all powers abroad; at home, perfect tranquillity, plenty, and an uninterrupted enjoyment of all civil and religious rights, are most distinguishing marks of the favour and protection of the Divine Providence. And these, with all their happy consequences, will, I doubt not, by the blessing of God upon

* "The unexampled unanimity and dispatch of business which distinguished this session, was almost solely owing to the good management of Walpole, and to his influence in the House of Commons, which Saint John Brodrick, in a letter to lord Middleton, calls 'prodigious.' Hence his preponderance increased in the cabinet; and the King was induced to take a decided resolution in his favour. As a prelude to the removal of Carteret, Horace Walpole was named embassador to Paris. Yet such was the credit of Carteret, that this nomination was not finally effected without great difficulty. His address still supplied proofs of his influence, when it had almost totally declined; and Horace Walpole, in his private letters to his brother and Townshend, made no less heavy complaints of his situation at Paris, than Schaub did of his disgusts to Carteret. The dispatches, though written to him and Schaub jointly, were, by private intimations to the messenger, carried first to Schaub, and communicated by him to the French ministers, before Horace Walpole was informed of their contents; the dispatches for Spain, and the plenipotentiaries, at the congress of Cambray, were enclosed to him, perused by him, and forwarded by him. Of this measure, Horace Walpole bitterly complained to his brother, declared his resolution not to act any longer jointly with Schaub, insisted that one of them must be recalled; and justly observed, that the removal or continuance of Schaub, must prove to the world either the full establishment or decline of their credit with the King. Walpole and Townshend now found it necessary to exert all their influence, and to employ the utmost address. They commissioned Horace Walpole to write an ostensible letter to lord Townshend, in which he should draw the character of sir Luke Schaub, state the impropriety of his conduct, and the disadvantage which was derived to the King's affairs, by maintaining two ministers at Paris with divided authority, and insist on his own resignation, rather than continue in a situation in which he was perpetually thwarted and opposed.

"This letter was shewn to the King, and had its due effect. He directed that Schaub should be immediately recalled, and Townshend himself conveyed the orders to Carteret. But on the evening of the day in which the communication was made, Carteret prevailed on the King to suspend the orders for a precipitate recal of Schaub, and was permitted to send him word that the King deemed his presence in England necessary for his service, and that he might return to Paris for the solemnization of the marriage between the count de St. Florentin, and the young countess of Platen.

"In obtaining this point, Carteret had another object in view, besides softening the disgrace of Schaub, and mortifying his rival; it was to send him back to Paris, with a commission which would have rendered his presence more necessary, and finally occasioned the removal of Horace Walpole. This scheme was no less than to propose a treaty of marriage between the young king of France and the princess Anne, the eldest daughter of the prince of Wales. It was concerted between Carteret and the countess of Darlington at London, sir Luke Schaub, Madame de la Vrilliere and Madame de Prie at Paris, and the countess of Platen at Hanover. Sir Luke Schaub had the indiscretion to make the proposal to the King, in his audience, but it was received with such marks of dissatisfaction, as gave Townshend and Walpole an opportunity to remonstrate against his presumption, and represent to the King the great disadvantage which would result to his affairs in France, if so indiscreet a person should be sent back as his minister. Schaub was therefore only permitted to return for the purpose of assisting at the count de St. Florentin's marriage. The King gave a portion of 10,000*l.* to the bride, but no dukedom was conferred on the family of La Vrilliere. Schaub was then recalled from Paris, and Horace Walpole received his credentials of embassador from the duke of Newcastle, appointed secretary of state in the place of Carteret, who was constituted lord lieutenant of Ireland. The duke of Grafton was made lord chamberlain; Henry Pelham, brother of the duke of Newcastle, and the confidential friend of Walpole, was nominated secretary at war; and many of Walpole's friends were placed in the subordinate posts of government.

"Thus terminated the contest between Carteret and the brother ministers; and though the victory was not as complete as they expected, because they could not obtain the removal of Cadogan, Roxburgh, and Middleton, yet it gave weight to their administration, and considerably diminished the strength of the op-

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our joint endeavours, be long continued to my people.

"The same provision by sea and land, for the defence and safety of the nation, will continue to make us respected abroad, and consequently secure at home. The same attention to the improvement of the public Revenues, and to the ease and encouragement of trade

posing party in the cabinet. Carteret supported his defeat with great dignity and firmness of mind. He declared, that having no obligations to lord Townshend for his advancement to the post of secretary of state, he was resolved never to have submitted to him in that capacity. He did not affect to conceal his dissatisfaction at the ill usage he had received, and particularly complained that Horace Walpole had been sent to interlope in his province. While he avowed that he was defeated, he declared himself happier and easier in the situation of lord lieutenant, than that of secretary of state, exposed to continual mortifications; and professed his resolution to continue on good terms with the ministers, and to promote the measures of government. Yet his temper was so sanguine and his spirit so little depressed, that he persevered in asserting, that his favour with the king was greater than ever, that his enemies had gained no real strength by the late alterations, and, in expectation of a favourable change, delayed, under various pretences, his departure for Ireland, until the month of October, when the necessary attendance on the duties of his vice-royalty annihilated his hopes. Townshend and Walpole were now in such high favour, that they prevailed over the king's inclinations, and overcame his jealousy of the prince of Wales, which, notwithstanding the apparent reconciliation, continued still unabated, and shewed itself in repeated refusals to confer any particular mark of favour on those who were personally attached to his son. With a view to gratify the prince, and to secure the earl of Scarborough, who was his master of the horse, and, next to sir Spencer Compton, his greatest favourite, the brother ministers had promised him the garter; and as it was the custom of the king always to retain one vacant ribband, they waited until there were two undisposed of, when Townshend requested one of them for Scarborough. The king said, he could not comply with his request, because it was already conferred; and when Townshend asked, with some degree of surprise, who was the person? the king answered, 'I intend it for your lordship.' Townshend, after expressing a deep sense of his gratitude, begged leave to decline it. The king still insisted, and Townshend still declined. 'Lord Scarborough,' he replied, 'is 'now at the door of the closet, expecting 'every moment to be called in to thank your 'Majesty for the honour; he will naturally 'suppose that I have deceived him, and that 'after having left him with a promise to intercede in his favour, I have asked it for myself; which will ruin my character as a man 'of honour and veracity.' 'Well then,' returned the king, 'for once I will break through 'my usual rule, and will confer both the vacant garters; one shall be your's, and the 'other shall be given to lord Scarborough, 'whom you may now introduce.' Scarborough had accordingly the first, and both were installed at the same time.

"The king gave the strongest proof of the full confidence which he placed in Townshend and Walpole, by submitting to defer his journey to Hanover, even after he had fixed the time of his departure. This change of resolution was effected by the representations of lord Townshend, who addressed the following Letter to his Majesty:

'Sire;

'Being induced to think, from some words 'which fell from your Majesty, when I had 'the honour to lay before you a draught of the 'speech, that your Majesty may have it in 'your thoughts to spend the summer at Han'over; I most humbly beg leave, in discharge 'of the duty I owe to your Majesty, to lay be'fore you, with the greatest deference and sub'mission, some short and impartial observa'tions on the present state of your Majesty's 'affairs, in the doing which, if it should be my 'misfortune to suggest any thing in the least 'contrary to your Majesty's inclinations, I 'hope, from the experience I have long had of 'your indulgence towards me, that you will 'not impute it to the want of a due concern 'for every thing that may promote your Ma'jesty's satisfaction (which no one living can 'wish more passionately than I do) but will be'lieve it to proceed from a sincere zeal for 'your service, and the future ease and honour 'of your government; and I beg leave to as'sure your Majesty, that after I have humbly 'laid before you my thoughts upon this sub'ject, I shall heartily endeavour to facilitate 'whatever resolutions your Majesty shall finally 'take.

'The great spirit and majority with which 'the bills for punishing the conspirators, were 'carried through both houses in the first session 'of this parliament, the quietness and una'nimity with which the public service has been 'dispatched in this, the several good laws that 'have been passed for the ease and advantage 'of commerce, and in favour of the public re'venue, the universal and uninterrupted state 'of tranquillity abroad, and flourishing con'dition of trade and public credit at home, 'have all concurred to restore a far more ge'neral calm and security throughout the nation, 'than has been known at any time since your 'Majesty's happy accession to the throne. A 'very great change has been wrought in favour 'of your Majesty, in the city of London, whose 'influence and example is of so great conse'quence to the whole nation, as has appeared 'in two successive elections, in opposition to

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and navigation, will establish Credit upon the strongest basis, and raise such a spirit of industry, as will not only enable us gradually to discharge the National Debt; but will likewise greatly increase the wealth, power, and influence of this kingdom.

"Gentlemen of the House of Commons;

"I have ordered the proper officers to pre-

'the utmost efforts and most indirect practices 'of the united party of Jacobites. The uni-'versities have behaved themselves at least 'inoffensively; and some steps have been 'taken by your Majesty to make it no less 'their interest than duty to cherish and propa-'gate principles of loyalty and affection to 'your person and government. So that upon 'the whole, no doubt can be made, but that if 'these happy beginnings are thoroughly pur-'sued, and the present good disposition of the 'nation improved and strengthened by proper 'methods and measures which may be still 'taken, they will grow so settled and con-'firmed, as to make your Majesty's reign for 'the future no less easy than glorious and suc-'cessful.

'But however promising these appearances 'are, yet your Majesty must be sensible that 'the Jacobite party is still very strong, and their 'views only suspended in expectation of a fa-'vourable opportunity. Of this, your Majesty 'has the strongest proofs, and surest intelli-'gence. Those of the foreign ministers who 'are best acquainted with this country, and 'who, upon account of their religion, may be 'supposed to be so far admitted into the general 'designs and consultations of the disaffected, 'as to be no incompetent judges of the heart 'and spirit that party is in, do, in their most 'secret and undisguised relations to their re-'spective courts, where they may be supposed 'to open their minds with the greatest freedom 'and sincerity, constantly represent the present 'tranquillity of this nation, as owing more to 'the despair of giving your Majesty any distur-'bance from abroad, than to any real change 'or submission wrought in the minds of the 'Pretender's adherents; insinuating, that if the 'engagements which at present withhold 'France and Spain from espousing his cause, 'were once dissolved, and a bare connivance in 'his favour from either of those quarters, the 'spirit of disaffection would soon rally, and 'the sparks of resentment, which now lie 'smothered, would break out into as fierce a 'flame as ever. However vain their reasonings 'may be, as to the success that would attend 'any such practices: yet this much is undenia-'ble, that these notions lessen the weight and 'influence your Majesty ought to have abroad 'as to the affairs of Europe in general. And it 'is equally certain, that nothing will so soon 'give credit to these opinions and insinuations, 'as the seeing any handle given to the enemies 'of your Majesty's government, for propagating 'discontents at home, and for alienating the 'affections of your Majesty's subjects.

'Among all the topics for sowing sedition, 'there is none which the Jacobites have ma-'naged with greater industry and success, than 'your Majesty's inclinations frequently to visit 'your German dominions. But whatever arti-'fice they have employed to this end, yet the 'necessity of your Majesty's inspecting from 'time to time, the state of your affairs in those 'parts, and the prudence and caution your 'Majesty has used as to the times and seasons 'of undertaking this journey, have in a great 'measure disappointed their endeavours to 'misrepresent this step: but when they may 'with some appearance at least insinuate, that 'this journey will become annual, the wisest 'man cannot foretell what mischiefs such an 'opinion, should it gain credit, may produce. 'Should your Majesty, therefore, after so long 'a stay as your affairs required you to make at 'Hanover last year, think it proper and advise-'able immediately after the ending of this short 'session, again to visit your foreign dominions, 'you would thereby give an opportunity to the 'disaffected to insinuate, that the same inclina-'tions which call your Majesty abroad this 'summer, being likely always to subsist, will 'always produce the same effect, and Britain 'thereby be reduced to the same state with 'Ireland (where the lord lieutenant never ap-'pears, but when the Parliament is called to 'give money) and never enjoy the blessing of 'your Majesty's presence any longer than 'while this service lasts.

'Having laid before your Majesty, the in-'conveniences and dangers which in my opi-'nion will arise from your going abroad this 'year; I most humbly beg leave to mention 'some of the many advantages that will in all 'probability be the consequences of your Ma-'jesty's continuance here this summer. In 'the first place, the well affected party in ge-'neral, being supported by your Majesty's pre-'sence, and encouraged by being under your 'immediate influence, will be enabled to make 'the best advantage of the present good temper 'the nation is in. Your Majesty's friends in 'the city will not only carry every thing during 'the summer, but by the help and assistance 'of your servants, will be prepared to lay be-'fore the Parliament, such bills as may for the 'future secure the government of that impor-'tant place, entirely in the hands of those who 'are zealous in your Majesty's interest.

'The next points of consequence to the 'peace, ease, and security of your Majesty's 'government, are the clergy and the two uni-'versities, and if a right use is made of their 'present disposition, I am persuaded, it will 'not be difficult to find out some farther en-'couragements, that will make the majority of 'those great bodies firm friends to your 'Majesty; and as your Majesty knows, that 'I have always had the gaining them over 'to your Majesty very much at heart, so 'I have lately had frequent conversations 'on this head with the bishop of London

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pare and lay before you Estimates of the expences for the service of the ensuing year; and, as they do not exceed what has been found by experience to be absolutely necessary for the security of the kingdom, I make no question but I shall have your ready concurrence in raising the Supplies, in such manner as shall be most easy to my people.

"There is one thing that I cannot but mention to you, as deserving your particular consideration: it is too manifest, that the Funds established for the finishing the works at Greenwich Hospital, and providing for a competent number of seamen there, cannot, in time of peace, be sufficient to answer the expences of this great and necessary work. It is therefore very much to be wished, that some method could be found out, to make a further provision for a comfortable support to our seamen, worn out in the service of their country, and labouring under old age and infirmities.

"My Lords and Gentlemen;

"You must all be sensible how much our present happiness is owing to your union and steady conduct: It is therefore wholly unnecessary to recommend to you unanimity and dispatch in all your deliberations. The zeal and abilities you have on all occasions shewn, in supporting the interest of your country, even under the greatest difficulties, leave me no room to doubt of my having your entire and effectual concurrence in every thing that can tend to the service of the public, and to the good of my people."

The Lords' Address of Thanks.] Nov. 13. The Lords presented the following Address:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, beg leave to return your Majesty our most humble and hearty thanks for your Majesty's most gracious speech from the throne. Peace with all powers abroad, perfect tranquillity and plenty at home, and an uninterrupted enjoyment of all our rights and liberties, are such inestimable blessings to us, as leave us no room to wish for any thing more to complete our happiness, but for your Majesty's long life and happy reign over a most faithful and obedient people. We think ourselves in duty bound to acknowledge this prosperous situation of affairs, to be wholly owing to the blessing of God on the wise measures your Majesty has pursued, for the true interest of this kingdom.

"Your Majesty's tender and compassionate concern and care for the seamen, who have, by their bravery, eminently distinguished themselves in the service of their country, in all parts of the world, cannot but encourage all your subjects to the strictest performance of their duty; and we most humbly beseech your Majesty to believe, that we shall at all times exert ourselves, with the same zeal which has hitherto animated us in your Majesty's service, for the defence and safety of the nation, and and that our chearful concurrence shall never be wanting, whenever it lies in our power, to advance the true interest of the public, and promote your Majesty's glory."

The King's Answer.] The King's Answer was as follows:

'(Gibson) who is, with me, fully persuaded it 'would be very practicable to reduce them to 'a better sense of their duty; and we have al-'ready made a rough draught of some things 'proper to be done for this end. The last and 'most important consideration, is the preserv-'ing that zeal and affection toward your 'Majesty, which has hitherto appeared so 'eminently in this parliament, and taking 'hold of the present situation of your af-'fairs, for concerting, during the recess, such 'measures as may, with their concurrence, at 'their next meeting, secure your Majesty and 'the nation, from those frequent convulsions, 'which have at all times been felt by your 'royal predecessors, ever since the revolu-'tion.

'I must, before I conclude, beg leave to make 'one further observation of your Majesty, that 'should you be pleased to defer going abroad 'this summer, your Majesty may, by calling 'the parliament in October next, have the ses-'sion finished in February, and without the 'least inconvenience to your affairs, set out 'from hence in the beginning of March next, 'and stay at Hanover, if you think fit, till 'January following. So that take two years 'together, you will at once pass almost as 'many months there as you could do, if you 'went this summer and the next; with this 'only difference, that the one may occasion and 'bring inextricable difficulties upon your affairs 'here, and the other will not give rise even to 'the least murmur.

'I presume to send your Majesty my thoughts 'upon this matter in writing, that what I have 'to lay before your Majesty may be done with 'greater exactness and privacy. I once more 'beg your Majesty will believe, that what is 'here said upon a subject, which I fear will be 'disagreeable to you, flows from a heart full of 'duty and veneration for your sacred person, 'and from no other motives, but those of 'honour and conscience; and that after I have 'laid my thoughts with the greatest deference 'before your Majesty, I shall not only obey, 'but cheerfully execute whatever your Majesty 'shall think fit to determine; being with the 'warmest zeal and most unalterable attach-'ment, Sire, your Majesty's most dutiful sub-'ject, and most devoted servant.'

"This firm but respectful representation had its due effect; the king did not remove from England, and his presence was highly instrumental in maintaining the domestic tranquillity." Coxe's Walpole.

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"My Lords;

"I thank you for this very loyal and dutiful Address. You may depend upon my steady pursuit of such measures only, as, by the blessing of God upon my endeavours, will most effectually secure the true interest of all my people: and that I shall at all times esteem the increase of their happiness as the greatest glory of my reign."

The Commons' Address of Thanks.] Nov. 14. The Commons presented their Address of Thanks to his Majesty, which was as follows:

"Most Gracious Sovereign;

"Your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your Majesty the Thanks of this House for your Majesty's most gracious Speech from the throne; and as your Majesty's fatherly tenderness for your people and the unspeakable comforts of an easy government, demand the sincerest tribute of duty; your Majesty's faithful Commons do now offer to your Majesty the most unfeigned assurances of gratitude and loyalty, with that becoming zeal and affection that is particularly requisite at this time.

"We beg leave to congratulate with your Majesty on the prosperous situation of affairs at home and abroad; a subject not only of content, but of joy: and we should be wanting to ourselves, and insensible of our own prosperity, if we did not feel the same satisfaction in reaping the fruits of your Majesty's great wisdom, that your Majesty hath in employing it to direct and guide us to our own happiness.

"Peace with all powers abroad, plenty and tranquillity at home, with a full and quiet enjoyment of every thing that is dear and valuable to us, are peculiar marks of your Majesty's government; which that they may be for ever remembered, this House will use their utmost endeavours, by the divine assistance, to transmit the happy consequences of these blessings to the latest posterity, as monuments to futurity of the glories of your Majesty's reign.

"To support the interest and credit of our country, is to pay the most acceptable obedience to your Majesty, and therefore this House will proceed with all chearfulness and dispatch in raising such supplies as shall be necessary for the honour and safety of the nation: We will labour to discharge gradually the national debt, by the improvement of the public revenues: to increase our wealth, by the advancement of our trade; and to establish our strength, by the encouragement of our navigation; and are ready heartily to assist your Majesty in every thing that shall tend to the security and grandeur of your Majesty and your kingdoms."

The King's Answer.] To this Address his Majesty returned the following Answer:

"Gentlemen;

"I return you my hearty thanks for your loyal Address; I never made any doubt, but that whenever the honour and interest of the kingdom called upon you, I should meet with the same return of duty and fidelity, and the same affection and zeal for my service, as I have hitherto experienced on all occasions."

Debate in the Commons on the Number of the Land Forces] Nov. 23. In a Committee of the whole House, the Commons considered farther of the Supply. The several Estimates of the charge of Guards, Garrisons, and Land Forces; of the Forces in the Plantations, Minorca, and Gibraltar; of the Out-Pensioners of Chelsea-hospital, for the year 1725, and of extraordinary expences not provided for by Parliament, having been referred to the Committee,

Mr. *Henry Pelham* (Secretary at War,) opened the debate on those several heads, shewed the necessity of keeping up the same number of guards, garrisons, and land-forces, and moved for making the same provision for them for the year 1725, as was made for this year. Mr. Pelham's motion was supported by Mr. Treby, sir Edmund Bacon, general Wade, and Mr. Yonge; but was opposed by Mr. Plummer, Mr. Freeman, sir William Barker, lord Morpeth, sir Joseph Jekyll, Mr. Cornwall, Mr. Snell, Mr. Hungerford, and Mr. Shippen, which occasioned a warm debate, that lasted till four in the afternoon. Those who opposed Mr. Pelham's motion, were not all of the same opinion, as to the number of troops, some being for reducing the army to 7 or 8,000 men, as was done after the conclusion of the treaties of Ryswick and Utrecht, and others insisting only on the disbanding of the 4,000 men raised upon occasion of the late Conspiracy.

Mr. *Snell*, member for Gloucester, to shew the danger of a Standing Army in a free country, brought two instances; the one of an insult given by dragoons encamped in the west, to some countrymen that were merry-making; the other, of an officer quartered at Gloucester, who, upon a rejoicing day, would not permit the city drums to beat, pretending that none but the King's drums had a right to beat in the garrison. To the first of these complaints

Mr. *Treby* answered, That by several Affidavits taken before the magistrates in the neighbourhood, it appeared that a rude mob of discontented people had given the first insult and provocation to the King's troops, by calling them 'Roundheads,' and other abusive names, and singing or playing the tune of 'The King 'shall enjoy his own again,' &c. To the other, it was said, That the officer, who was guilty of that piece of indiscretion, was so far from being countenanced, that on the contrary, upon the first notice given of it to the Secretary of War, he was ordered to be dismissed from his Majesty's service; which punishment he would have undergone, had not the magistrates of Gloucester been satisfied with his submission, and interceded for him.

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Mr. *Hungerford* endeavoured to shew the danger of regular troops to a free nation, and what little occasion there was for them at this happy juncture, and concluded, He could not imagine, what use an army could be put to, unless it were to extinguish the flame that had been kindled in Ireland by the new Brass Halfpence, [meaning the base half-pence coined by Mr. Wood for the use of Ireland,] and to force that people to swallow them.—But the most material objections were urged by

Mr. *Shippen*, who upon this occasion spoke as follows:

Mr. Speaker;

I have spoke so often against maintaining an extraordinary number of Land Forces in time of peace, that I should now choose to be silent, if I had not the first day of the session entered my claim to dispute the continuance of the 4,000 augmentation troops, and if I did not think it my duty to oppose every proposition, which seems to carry the least appearance of danger to our constitution.

I ask pardon, especially of the honourable gentleman who moved it, if I take the present question to be of this nature. Nor can I be persuaded, that the frequent imposition of unnecessary taxes, or the repetition of any grievance, ought to beget an insensibility, or a slavish acquiescence in it. On the contrary, I think it ought to awaken and double our attention, lest it should in time plead a prescriptive right, and gradually grow into an establishment.

If I may be permitted to consider the King's Speech, as the composition of his ministers, which though I know by experience to be a more dangerous,* is yet a more parliamentary way, than to consider it as an edict from the throne, I will observe, that it does not ask the opinion and advice of the Commons, how far they will use their great, essential and undisputed right of raising money; but it positively prescribes the exact provision we are to make, both by sea and land, for the service of the ensuing year; and, whether that be not a new method of speaking to Parliaments, is with all deference submitted to the wisdom of this House, which is the best judge of its own privileges and power.

Surely, Sir, it is very melancholy to hear one session after another, that, though we are in a state of tranquillity, as the language is, yet we can neither be secure at home, nor respected abroad, without continuing above 18,000 land forces in pay.

This way of reasoning entirely misrepresents our circumstances and condition. For it would suggest, that we cannot enjoy the blessings of a good reign, without enduring at the same time the hardships of a bad one, which is a contradiction in itself, and inconsistent with the notions we, as Englishmen, must ever entertain of our legal liberties, in maintenance of which our predecessors in Parliament, thought fit to alter the lineal succession of our royal family. This way of reasoning farther supposes, that the mutual confidence betwixt his Majesty and his people is destroyed, that there is a distrust on one hand and a disaffection on the other, for which there is not the least ground or pretence. For his Majesty, by his residence amongst us this last summer, has not only given us the clearest proof of his preferring the welfare and happiness of these kingdoms, to that of his own foreign dominions; but has for ever secured the love of his subjects here by his most gracious affability and personal condescensions to them. He has for ever secured that tranquillity at home, on which he is pleased with so much satisfaction to congratulate his Parliament. Nor can this tranquillity be affected by the clamours in Ireland against a late patent, [meaning Mr. Wood's patent for coining, which was afterwards recalled] for there is a large army in that kingdom sufficient to curb tumultuous spirits, and to awe patronizing malecontents, should any such be found. Nay, if more forces are judged necessary, either for the honour or safety of the government there, that kingdom is able and willing to maintain more on its own establishment; and therefore all arguments drawn from thence relating to the present question must be inconclusive. The House may perhaps think fit, at a proper season, to listen so far to the complaints of our fellow subjects in another kingdom, as to call for this obnoxious patent, and to examine into the grounds of it. For the mis-government of Ireland has been frequently under the examination of the House of Commons here, and such examinations have formerly proved fatal to as great ministers as England ever bred; which may be matter of reflection to their successors and to those it may concern; but can never be any inducement to an English Parliament to pay one soldier more, than is absolutely necessary for our own use.

Now all rebellions, all conspiracies, seem to be totally extinguished, not more by the late seasonable exertion of parliamentary justice, than by the wise and prudent conduct of those in the administration. They have so carefully reviewed and modelled the forces this summer in every part of the nation, that we are to hope, there are not left even so many, as three or four serjeants and corporals, who shall have fool-hardiness enough to undertake again to draw the whole army into wild and chimerical attempts. They have freed the church from all apprehensions of danger, by promoting only the most orthodox and learned part of the clergy to the episcopal dignity and other ecclesiastical preferments. They have preserved the state, by advancing only men of distinguished ability and experience to all great offices and civil employments. They have, which is above all, reconciled their own animosities, and have no other contentions now, but who shall best serve his Majesty and the public, without any views of accumulating immense wealth to themselves, or of aggrandizing their own private families. Such an adminis-

* See vol. 7, p. 511.

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tration can never need the assistance and protection of above 18,000 disciplined troops. Such an administration should not suffer the army to run away with the reputation of their good and great works, or to assume the glory of raising our credit, enlarging our trade, and establishing our present prosperity.

Nor are our foreign affairs in a less flourishing condition, than those at home, so far as I am capable of judging on the common appearance of things, without being in the secrets of the cabinet.

We can have no apprehensions from our nearest neighbour, France. For that kingdom is engaged to us by many strict treaties, and I have heard the French *bona fides* of late years, as much asserted and extolled in this House, as I have formerly heard it ridiculed and exploded. Besides we have a vigilant minister at Paris, who by his own skill and penetration in politics, as well as by good advice and assistance from hence, is not only promoting the British interests there, but influencing and directing the French councils.

Nor can we have any pretence to keep up those forces on account of danger from Spain. For, if that monarchy should be indiscreet enough to retain the least harsh remembrance of any pretended ill usage from Great Britain: If it should resent our glorious and seasonable conquest over their fleet in the Mediteranean, for which we struck a medal with pompous inscriptions: If it should insist on the restitution of Gibraltar and Port-Mahon, which, in my humble opinion, can never be surrendered without the highest infamy, as well as injury, to England. I say, if any thing of this kind should remain in the breast of the court of Spain, notwithstanding our treaties and daily negotiations there, it is our comfort, that we need fear no invasion from their armada; that the mutability of their counsels, their pretensions in Italy, their distance from Great Britain render it impracticable for them, to annoy or distress us. And if king Philip's resignation of that crown was a good argument the last year, for continuing the 4,000 augmentation troops, then his resumption of it now must be a good one for disbanding them this year.

The emperor's personal obligations to Great Britain are such, that it is impossible for him to entertain any ill intentions against us, either on account of the Ostend-East-India Company, or of his Majesty's glorious endeavours to remove the religious grievances in Germany, and to promote the Protestant interest there, of which he is the great guardian.

The Dutch are our old natural allies, and always ready to assist us. Nor is it their fault, that we have sometimes disputed amongst ourselves concerning the expence of transporting their auxiliar forces. They are bound to us, by ancient ties of gratitude, for their origin and preservation, and by, what is yet a stronger cement, their own present interest and safety.

As to the two northern crowns of Sweden and Denmark, they have in their turns received our protection, and tasted of our bounty. We all remember the famous æra, when 250,000*l.* as well as many smaller supplies since, were raised on that account. Besides, we are to hope our expeditions into the Baltic, under the conduct of a brave officer (sir John Norris) here present, have been as effectual as they have been expensive, and that our fleet has not only awed them into a reconciliation betwixt themselves, but into an absolute submission to Great Britain.

The Czar is stretching his conquests into remote parts of the world, and if what we hear of a late treaty be true, that it is made entirely in favour of Great Britain, without any regard to foreign principalities, we can apprehend nothing from our new ally, who is otherwise so fully employed. For however extensive our mediating care may be, I presume we are not engaged with him to oppose the intended succession of the crown of Poland, or to settle the balance of empire in Persia.

If such then is our prosperous situation at home and abroad, why should we be denied the promised happy consequences of it? why should we be afraid of reducing our land forces? why should we not at least strike off the 4,000 augmentation troops, in compassion to a nation loaded, and almost sunk with debt? For should a storm arise after this calm, should any new events produce a rupture in Europe, it will be time enough, if we are either prompted by our own heroic disposition, or bound by any inviolable treaties, to enter into the quarrels of the Continent, I say, it will be time enough when the war shall be actually declared, to lend our assistance to those, whom we voluntarily espouse, or to perform our engagements to our respective allies, if they shall not be found romantic and impracticable. We have the opinion of a most eminent author in civil learning, 'That it is more grievous to any 'nation to bear the least extraordinary taxes, 'in times of peace, than to endure the greatest 'impositions in times of war. Because a war 'may prove advantageous, may terminate in 'conquest and glorious acquisitions. But a con-'tinuance of extraordinary taxes, without it, 'must inevitably end in poverty and ruin.'

Now I can never be so unjust to his Majesty's most mild and gracious government, as to ascribe our present tranquillity to the continuance of an extraordinary number of troops, any more than I can believe, it would cease at the reduction of part of them. This would be a dangerous, as well as an absurd doctrine, with relation to us at home. For should it be admitted, that above eighteen thousand land forces have not only procured our present tranquillity, but that they are absolutely necessary to the security of the kingdom; then it will follow, that the same number will always be absolutely necessary; that a military power is the most pacific form of government; and that an army will be a better preserver of peace and plenty, a better guardian of our civil and religious rights, than the

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law of the land. This doctrine too, considered with regard to the respect and influence we may have abroad, is as absurd and ill-grounded; for that respect and influence can never proceed from the number of land forces, we may think fit to burthen ourselves with in time of peace; but it must proceed from the advantages of our natural situation, from our naval strength, from our extended commerce, from our vast riches, which have enabled us to carry on long and expensive wars; to maintain, when our allies failed in their quotas, three great armies at once in three distant nations; and these advantages will ever enable us to hold the balance of power in Europe, unless worn out with unnecessary and insupportable taxes.

But if not so much as the four thousand augmentation troops are to be parted with, if they are to be continued till the pretences of all the princes in Europe shall be adjusted, till the different interests of different nations shall be reconciled, till the claim of Bremen and Verden shall be fully settled and acquiesced in, till the long expected form of a congress shall be completed, I freely own, I am not without my apprehensions, that our immense national debt, instead of being annually reduced, will be daily increased; that our present grievances, for grievances we have in the midst of all our tranquillity, instead of being speedily removed, will become perpetual, and we may dream of blessings we shall never enjoy.

On the whole, I am against continuing the number of forces proposed, and for disbanding at least the four thousand augmentation troops.

Mr. *Yonge* retorted these arguments with great vivacity and address. He said, among other things, He was obliged to the gentleman that spoke on the other side, for furnishing him with reasons for keeping up the present number of troops: That the prosperous situation of affairs, the peace with all powers abroad, and the perfect tranquillity at home, being, in a great measure, owing to the good posture we were in, both by sea and land, which made us respected abroad, and secure at home, it were imprudence not to continue those forces on the same foot. That the parliament had indeed obliged king William of glorious memory, to reduce his army to 7000 men. But what was the consequence of it? Why truly, the French king was thereby encouraged to acknowledge and proclaim the Pretender, as king of England, and to seize on the monarchy of Spain, which was the occasion of a long, bloody, and expensive war. That as to the reduction of the army after the peace of Utrecht, it was well known that it was principally owing to those who were for having an army of another stamp. That this reduction would have proved fatal to the Protestant succession, had some people had time to ripen their designs. That at least it encouraged a great rebellion soon after his Majesty's happy, and almost miraculous accession to the crown: and as the spirits and discontents which raised that rebellion were not yet wholly extinguished and subdued, they would soon see insurrections at home, and the peace of Europe disturbed abroad, if they parted with the army.

The question being put upon Mr. Pelham's motion, it was carried in the affirmative by 206 voices against 69; and resolved, 1. That the number of effective men to be provided for guards and garrisons in Great Britain, and for Jersey and Guernsey, for the year 1725, be (including 1,815 invalids) 18,264 men; commission and non commissioned officers included. 2. That the sum of 654,488*l.* 17*s.* 8*d.* be granted for the charge of the said 18,264 effective men, for the year 1725. 3. That the sum of 152,637*l.* 16*s.* 5*d.* be granted for maintaining his Majesty's forces and garrisons in the plantations, Minorca and Gibraltar, and for provisions for the garrisons of Annapolis Royal, Placentia, and Gibraltar, for the year 1725. 4. The sum of 12,000*l.* upon account for out-pensioners of Chelsea hospital, for the year 1725. And, 5. The sum of 16,841*l.* 8*s.* 6*d.* for the defraying several extraordinary expences and services, incurred and not provided for by the parliament. These Resolutions being the next day reported, were agreed to by the House.

REPORT OF PRECEDENTS OF PUNISHMENTS FOR BREACH OF THE PRIVILEGES OF THE HOUSE OF LORDS.] Nov. 20. The Lords appointed a Committee to search Precedents, as to what Punishments have been inflicted, or methods taken to vindicate the Honour of this House, in cases of any Breach of their Lordships' Privilege, or Contempts to this House.

Nov. 25. The lord Delawar acquainted the House, That the Lords' Committees appointed to search Precedents, as to what Punishments have been inflicted, or methods taken to vindicate the Honour of this House, in cases of any Breach of their Lordships' Privilege, or Contempts to this House, had inspected Precedents accordingly; and had prepared a Report; which he was ready to make, when their lordships will please to receive the same.

Ordered, That the said Report be now received.

Accordingly his lordship reported from the said Committee, as follows:

"That the Committee have inspected the Journals of this House, in relation to the matters to them referred; and think proper to offer to your lordships' consideration the following instances; viz.

"February 27, 1620. Richard Reynolds and Robert Wright, for arresting a servant to the earl of Oxford, were ordered to be set on horseback, near Westminster-hall; neither of them to have cloak or hat; but to have on their breasts and backs papers, expressing their fault; (viz.) ['For a contemptuous breach of

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'the privileges of parliament, aggravated by 'contemptuous speeches,'] and so to pass to the Fleet, where they are to be left prisoners.

"Nov. 27, 1621. John Blunt, for counterfeiting the lord Strafford's seal to a protection, was ordered to stand on the pillory, at Westminster and in Cheapside, with papers on his head shewing his offence; and then to be carried to Bridewell, and there to remain during his life, and to work for his living.

"March 22, 1623. Thomas Morley, for publishing a printed petition, very scandalous against the lord keeper in particular, and by aspersion against the whole court of Star-chamber in general, and at the bar insolently using many insolent words of the lord keeper, in presence of their lordships, was imprisoned in the Fleet, fined 1,000*l.* to the King; set with his neck in the pillory in Cheapside, with one of the petitions on his head; ordered to make submission, and acknowledgment of his fault, at the bar and in the Star-chamber. The next day one Waterhouse, who penned the first draught of Morley's petition, was adjudged to be a prisoner in the Fleet, and debarred pen, ink, and paper, during the pleasure of the House; fined 500*l.* to the King; to make submission, and acknowledgment of this his fault, at the bar, in the Star-chamber, and to the lord keeper: and Bernard Alsop, the printer of the petition, imprisoned in the Fleet, admonished not to print any more petitions; and to make submission and acknowledgment.

"May 28, 1624. Upon a report from the Committee of Privileges, the fine on Morley was reduced to 500*l.* and he was discharged out of prison; and Waterhouse's punishment, upon his petition, was remitted.

"July 9, 1625. Ralph Brooke, Yorke Herald, for exhibiting a false and scandalous petition against the earl Marshal, was sentenced to make his submission to the said earl Marshal at the bar, to be imprisoned in the Tower during pleasure, and fined 1,000 marks.

"April 4, 1626. George Gardner, for buying and selling of counterfeited protections under the hand and seal of a peer in parliament, was ordered to be set on the pillory at Westminster, with a paper on his head, declaring his offence; and afterwards to be carried down to Norwich, and there to stand on the pillory, with the like paper.

"13th June following, the same Gardner, for scandalizing the justice of this House, and for unjustly slandering the lord keeper, was ordered to stand in the pillory at Westminster, with a paper on his head, declaring his offence; and to ride backward with the same paper to the cross in Cheapside, and to stand on the pillory there, and so to ride back to the Fleet: and though the lord keeper did earnestly desire this punishment might be forgiven Gardner, yet the House denied it.

"April 16, 1628. Anthony Lamplugh, for exhibiting an unjust and scandalous petition against the lord keeper and lord bishop of Lincoln, was sentenced to stand committed to the Fleet; to acknowledge here, at the bar, 'That 'the said petition is unjust and scandalous, 'and that he is sorry for it;' and to ask their lordships' forgiveness; and to be brought to the chancery bar, and there to make the like acknowledgment.

"The next day, he having asked forgiveness at the bar, the remainder of the censure was forgiven.

"June 12, 1628. Ensign Reynde, for ignominious speeches uttered by him against the lord viscount Say and Seale, and for his contempt of this high court of parliament, was adjudged never to bear arms hereafter, but accounted unworthy to be a soldier; to be imprisoned during pleasure; to stand under the pillory, with papers on his head shewing his offence, at Cheapside, and at Banbury; to be fined at 200*l.* to the King, and to ask forgiveness.

"And as to the precedent last mentioned, the Committee think proper to observe to the House, That it appears by the Journal, that their lordships' utmost endeavours were used, to apprehend and bring the said Reynde in person before them, to justice; but he absconded, so that he could not be taken; notwithstanding which, the House, in his absence, proceeded to the censure above-mentioned; and directed the court of Star-chamber to put the sentence against him in execution, if he should happen to be apprehended after the ending of the session, and out of time of parliament.

"Jan. 13, 1640. James Faucet, for insolent and abusive speeches against the earl of Newport, was sentenced to stand committed to the Fleet; to make his humble submission to the said earl, and to pay him 500*l.* for damages.

"March 29, 1642, *post meridiem.* John Bond, for being the author and contriver of a false and scandalous letter, pretended to be sent from the Queen in Holland to his Majesty at York, was sentenced to stand on the pillory at Westminster-hall door, and in Cheapside, with a paper on his head, written, 'A Contriver 'of False and Scandalous Libels;' the said letters to be called in, and burnt near him as he stands; and he to be committed to the house of correction.

"April 28, 1642. Sir William San Ravy, knight, for false, scandalous and malicious reports and speeches against the earl of Danby, was fined to the King, in the sum of 100*l.*; ordered to pay the said earl by way of damages, 500*l.*; to make a submission at the bar, and to be imprisoned in the Fleet.

"July 9, 1663. Alexander Fitton, for contriving and publishing an infamous libel against the lord Gerrard of Brandon, fined 500*l.* to his Majesty, committed to the King's-bench, and to find sureties for his behaviour during life.

"December 18, 1667. William Carr, for dispersing scandalous and seditious printed papers against the lord Gerrard of Brandon, fined 1,000*l.* to the King, to stand thrice in the

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pillory, to be imprisoned in the Fleet, and the papers to be burnt.

"March 1st, 1676. Dr. Cary was fined 1,000*l.*, for refusing to discover his knowledge of a libel; and to be committed to the Tower till he pays the same.

"March 8th 1688-9. William Downing, for printing a paper reflecting on the lord Grey of Warke, was committed to the Gate-house, and fined 1,000*l.* to the king.

"June 11th 1689. Percy's petition, claiming the earldom of Northumberland, containing several reflections, was dismissed the House; and the said Percy was ordered to be brought before the four courts in Westminster Hall, wearing a paper upon his breast, in which these words shall be written 'The false and 'impudent pretender to the earldom of North-'umberland.'

"April 11th, 1690. Thomas Garstone, for counterfeiting protections, to stand twice in the pillory, and be committed to the Gate-house till he pays his fees.

"February 22d, 1695. The House was informed, That there was a paper delivered at the door, reflecting on the House, by Robert Crosfield: Whereupon he was called in, and owned the paper; but refusing to give the House an account who printed it, he was ordered into custody.

"March 17th, 1697. A libel intituled, 'Mr. Bertie's Case, &c. with some remarks on 'the Judgment given therein,' was voted false, malicious, and scandalous, and ordered to be burnt; and a committee was appointed, to consider of the said paper.

"March 18th, 1697. Report was made from the Committee, That the printer had confessed that Mr. Robert Bertie, a member of the *House* of Commons, had employed him to print it.

"20th of the same month. Consideration was had of the said paper; and the earl of Abingdon, in his place, declared, 'That he did, 'in the name of his son, ask pardon of the 'House and the Lord Chancellor;' which the *House* accepted.

"May 7th, 1716. James Mynde, a solicitor, was ordered into custody, for putting counsel's names to an appeal without their knowledge.

"12th of same May, Mynde was brought to the bar, and, by a petition, confessed himself guilty; and a committee was appointed, to inspect precedents of punishments inflicted.

"18th of that month, Report was made from that committee; and Mynde fined 100*l.* to the king.

"June 4th, 1716. He petitions to be discharged out of custody; and his petition was rejected.

"12th of the same month. He was ordered to cause his fine to be paid into the clerk's hands, in order to be estreated into the Exchequer, for the regular payment of the same.

"14th of the same month. The House being informed, That the clerk had received the said fine; Mynde was ordered to be brought to the bar, to be discharged; and the next day he was brought, reprimanded, and discharged accordingly (paying his fees.)

And the said Report was read, by the Clerk.

The Earl of Suffolk committed to the Tower for granting Protections.] January 21, 1725. The Lords, after an examination touching the granting written Protections, committed the Earl of Suffolk to the Tower of London, for having given several written Protections, in breach of the standing orders, and to the dishonour of the House, as likewise to the obstruction of public justice.

Petition of the Earl of Oxford and Lord Morpeth, complaining of the Deficiency of the Accounts of the Masters in Chancery.] January 23. A Petition of Edward earl of Oxford, and of Henry lord Morpeth, two of the guardians of the person and estates of Elizabeth duchess dowager of Montague, a lunatic, was presented to the House of Commons and read, setting forth, "That very great sums of money of the said lunatic's estate have, pursuant to orders of the Court of Chancery, been brought before Mr. Hiccocks, late one of the Masters of the said court, and Mr. Tho. Bennet his successor, now one of the Masters of the said court, in order to be placed out at interest for the benefit of the said lunatic, upon securities to be approved by the said Masters respectively: That upon examining into the Accounts of the Masters in Chancery, relating to the Suitors' Monies brought before them, considerable Deficiencies appear; and that the said Mr. Thomas Bennet has not deposited, pursuant to orders of the said court, several Mortgages for large sums of money, belonging to the estates of the said lunatic; neither hath he deposited nor secured, pursuant to orders of the said court, 9,000*l.* and upwards, of his balance of cash; and praying such relief as the House shall think fit."

This Petition coming unexpectedly into the House, whilst the Accounts of the Masters in Chancery were put in a course of examination before the Lords Commissioners of the Great Seal, the said Petition was ordered to lie upon the table: But a motion being made, "That the proper officer, or officers, of the Court of Chancery, do lay before this House copies of the Orders made by the court, relating to the Accounts, and the effects belonging to the suitors, in the hands of the Masters of the court of Chancery, dated the 17th and 21st of December last, with copies of the Reports therein mentioned: and also the Accounts of the said Masters relating thereto, with their several explanations of the said Accounts;" a great debate arose thereupon, in which some severe animadversions were made on the conduct of the earl of Macclesfield, late Lord Chancellor. Then Mr. Henry Pelham moved, "That the debate be adjourned to the 9th of February, which was carried by a great majority."

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The King's Message concerning the Masters in Chancery.] February 9 Mr. Methuen acquainted the Commons, that he had a Message from his Majesty to the House, signed by his Majesty; and that he was commanded by his Majesty to lay before the House Copies of several Reports and other papers relating to the Masters in Chancery; and he delivered his Majesty's Message to Mr. Speaker, and the said Copies and other Reports, at the table. His Majesty's Message was read by Mr. Speaker, as follows, viz.

George R.

"His Majesty having reason to apprehend, that the suitors of the Court of Chancery were in danger of losing a considerable sum of money from the insufficiency of some of the Masters, thought himself obliged, in justice and compassion to the said suitors, to take the most speedy and proper method the law would allow, for inquiring into the state of the Master's Accounts, and securing their effects for the benefit of the suitors: And his Majesty having had several Reports laid before him in pursuance of the directions he had given, has ordered the said Reports to be communicated to this House, that this House may have as full and as perfect a view of this important affair, as the shortness of the time, and the circumstances and nature of the proceedings would admit of."

Then the said Reports, together with some of the papers referred to therein, were read, and ordered to be taken into farther consideration on the 12th instant.

The King's Message for the Maintenance of eleven Ministers of the New Churches.] Feb. 10. Mr. Comptroller acquainted the House, That he had a Message from his Majesty to this House, signed by his Majesty, and he delivered the same to Mr. Speaker, who read the same to the House; and the said Message is as follows:

"George R.

"The commissioners for building fifty new churches in and about the cities of London and Westminster, and the suburbs thereof, having represented to his Majesty, That in pursuance of several acts of parliament already made for that purpose, one Church hath been, for some time, finished and consecrated; and three chapels have been converted into parish churches, and also consecrated; and that seven other churches are built, or building and near finished; for which eleven churches, convenient districts have been also laid out and appointed to be the parishes respectively belonging to the same: And his Majesty being truly sensible of the great necessity there is of new churches, and of new divisions of parishes in and about the said city and suburbs, and very desirous to provide for the spiritual as well as temporal welfare of all his subjects, and being also firmly persuaded that nothing will more effectually engage Almighty God to send down his blessing upon his crown and people, than a due zeal for the honour and service of religion, has thought fit to recommend to the House of Commons, in an especial manner, the providing a suitable maintenance for the ministers who shall be appointed to perform Divine Service in the eleven churches, aforesaid, by such ways as may effectually answer the ends aforesaid, according to his Majesty's royal purpose and desire."

Hereupon it was ordered, *nem. con.*, That leave be given to bring in a Bill for better effecting the pious intention of the said Acts.

Debate upon the King's Message respecting the Masters in Chancery.] February 12. The Commons took into consideration the several Reports and Papers referred to in his Majesty's Message of the 9th instant. After the reading part of the said Papers,

Sir *George Oxenden* rose up, and said, That it manifestly appeared by these Reports, which after the strictest inquiry, and upon the maturest deliberation, had been drawn up by persons of the greatest weight and authority, for their abilities, experience, high stations, and integrity; that enormous abuses had crept into the High Court of Chancery, chiefly occasioned by the magistrate, who was at the head of that Court, and whose duty consequently it was, to prevent the same. That the crimes and misdemeanors of the late Lord Chancellor, were many, and of various natures, but might be reduced to these three heads: 1. That he had taken into his own hands the Estates and Effects of many widows, orphans, and lunatics, and either had disposed of part of them arbitrarily to his own profit, or connived at the officers under him making advantage of the same. 2. That he had raised to an exorbitant price the offices and places of the Masters of Chancery, and in order to enable them to pay to him those high prices and gratuities for their admission, had trusted in their hands large sums of money belonging to suitors in Chancery. 3. That in several cases he had made divers irregular Orders. So that in his opinion, that first magistrate in the kingdom was fallen from the height of the dignities and honours, to which he had been raised by the King's royal bounty and favour, to the depth of infamy and disgrace. And therefore he moved, "That Thomas earl of Macclesfield be impeached of High Crimes and Misdemeanours."*

* "Great part of this session was taken up in the trial of the earl of Macclesfield, and the repeal of the late lord Bolingbroke's attainder. There had been for some time a murmuring against the insufficiency of the Masters in Chancery to answer the great sums lodged in their hands by the suitors in that court; and it was suspected, that the large sums, which they paid for admission into their places, made their way more easy than it ought to have been, and very much lessened the inquiry into their qualifications. This abuse had indeed been long-

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This motion was seconded by Mr. Strickland, and Mr. Doddington, who said, The Misdemeanors of the late Lord Chancellor were of the greatest and most dangerous consequence, since most of the estates in England, once in thirty years, pass through the Court of Chancery.

Mr. *William Pulteney* said, That it was far from his thoughts to endeavour to abate the just resentment which the gentlemen who spoke last, shewed against the great abuses that had been committed in the Court of Chancery: but that in his opinion, they went a little too fast in so weighty and important an affair, by which means they might lose the very end they aimed at, viz. the effectual punishing the person by whose neglect, at least, those abuses had been committed; That whatever deference they ought to pay on this occasion, to the capacity, experience, integrity, and authority of the persons who had drawn up the Reports that had been laid before them, yet it little became the dignity, and was even derogatory to the prerogative of that House, which is the grand inquest of the nation, to found an impeachment upon those Reports, without a previous inquiry, and examination into the proofs that were to support it; and therefore moved, That this affair might be referred to the consideration of a select committee. He was backed by

Sir *William Wyndham*, who urged, That by proceeding by way of Impeachment upon Reports laid before them from above, the Commons would make a dangerous precedent, and seem to give up the most valuable of their privileges, viz. the inquest after state criminals.

Sir Wilfred Lawson, and sir Thomas Pengelly, supported Mr. Pulteney's motion. But Mr. Yonge, and sir Clement Wearg answered those objections, whereupon the previous question was put, Whether the question be now put upon sir George Oxenden's motion? Which after some debate was carried in the affirmative, by a majority of 273 voices against 164.

The Commons resolve to impeach the Earl of Macclesfield of High Crimes and Misdemeanours.] Then the main question being put, it was resolved by the same majority, "That Thomas earl of Macclesfield be impeached of High Crimes and Misdemeanors," and it was ordered, that sir George Oxenden do go up to the Lords, and at their bar, in the name of the House of Commons, and of all the Commons of Great Britain, impeach Thomas earl of Macclesfield of High Crimes and Misdemeanours; and acquaint them, that this House would, in due time, exhibit particular Articles against him, and make good the same."

Then a Committee was appointed to draw up Articles of Impeachment against Thomas earl of Macclesfield; to which Committee the several Reports referred to in his Majesty's message, were referred.

After this, upon a motion made by Mr. West, and seconded by Mr. Edward Thompson, a Bill was ordered to be brought in, "To indemnify the Masters of Chancery from the penalties of the act of the 5th and 6th years of king Edward 6, against buying and selling of offices, upon their discovering what consideration, price, or gratuity they paid, or agreed to pay, for the purchase of, or for their admission to, their offices."

February 13. Sir George Oxenden reported, That he had been at the bar of the House of Lords, and in the name of this House, and of all the Commons of Great Britain, had impeached Thomas earl of Macclesfield of High Crimes and Misdemeanors, and acquainted the Lords, That the Commons would, in due time, exhibit particular Articles against him, and make good the same. After this, Mr. West presented to the House, a Bill, "For indemnifying the Masters in Chancery from the penalties of the act of the 5th and 6th years of king Edward 6, against buying and selling of offices, upon their discovering what consideration, price, or gratuity they paid, or agreed to pay, for the purchase of, or for their admission to, their respective offices." Which Bill

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growing up to this degree; and there was scarce any thing bought and sold more freely and openly than a Master in Chancery's place. The Suitors Money, for which the masters paid no interest, brought them in great interest from the funds; and, the profits of the place being consequently doubled or trebled to what they had been before, there was such an opportunity to enrich themselves by the advantages they made of the money they had in their hands, that it is not surprising, that the Lord-Keepers and Lord Chancellor doubled and trebled the price, which the masters were to pay for admittance. But, the complaints against this practice growing strong and public, and the lord chancellor Macclesfield finding it impracticable for him to put a stop to those complaints, or keep the great seal under them, he resigned it the beginning of January 1725, and it was committed to the custody of sir Joseph Jekyll, master of the rolls; sir Jeffery Gilbert, and sir Robert Raymond; who having in council taken the oath as lords commissioners of the great seal, the king said to them as follows:

"I have had such experience of your integrity and ability, that it is with pleasure I now put the great seal into your hands. You are fully informed of the state of the accounts of the Masters in Chancery. I earnestly recommend to you the taking effectual care, that intire satisfaction be made to the suitors of the court; and that they be not exposed to any dangers for the future; and I have such confidence in the faithful discharge of the trust I now repose in you, that I am persuaded you will look narrowly to the behaviour of all the officers under your jurisdiction, and will see, that they act with the strictest regard to justice, and to the ease of my subjects." Tindal.

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was immediately read the first and second time, and without going through a Committee, ordered to be engrossed.

Feb. 15. The said engrossed Bill was read the third time, passed and sent up to the Lords.

Feb. 24. Sir George Oxenden acquainted the House, that he was directed by the Committee appointed to draw up Articles of Impeachment against the earl of Macclesfield, to move the House, That such persons as the Committee should find it necessary to examine, be examined in the most solemn manner; which was ordered accordingly.

Sir George Oxenden reports the Articles from the Committee of Impeachment against the Earl of Macclesfield.] March 18. Sir George Oxenden, from the Committee appointed to draw up Articles of Impeachment against Thomas earl of Macclesfield, acquainted the House, That they had drawn up several Articles accordingly, which they had directed him to report to the House; and he farther acquainted the House, that they had other matters depending before them, relating to their inquiry: and he read the Report in his place, and afterwards delivered the Articles in at the table, where they were read by the clerk. These Articles were one and twenty in number, and the two first relating to offences said to be committed before the Act of Indemnity passed in the year 1721,

Mr. *Conduit* moved, that the said Articles be recommitted. Hereupon

Mr. *Walter Plomer*, one of the Committee that had drawn up the Articles, said, That the Crimes, for which the earl of Macclesfield was impeached, being complicated, and having a relation to, and dependance upon one another, they could not mention one without the other. He was answered by sir Philip Yorke, who spoke for the motion for recommitting the Articles. To this,

Sir *Thomas Pengelly* replied, That in the case before them, they ought to distinguish between an Act of Oblivion, and an Act of Indemnity: that the first is begun in either House of Parliament, and being the act of the three estates, or of the whole legislature, clears and purges offenders of all crimes therein specified: but that it is otherwise with an Act of Indemnity, which flows from the mere grace and clemency of the sovereign, is sent down to the Parliament, who are at liberty either to accept or refuse it, but not to alter any thing; and regards only crimes committed against the king, his predecessors, and successors; which was not the case of the earl of Macclesfield, who stood impeached for crimes and misdemeanours committed in a high office and trust, against his fellow-subjects.

This was answered by Mr. Yonge, to whom Mr. West replied; and to the latter sir Gilbert Heathcote. But sir Clement Wearg having strenuously supported sir Thomas Pengelly's argument, the opposite side dropped the motion without dividing.

Then the Report being read paragraph by paragraph, the several Articles were agreed to by the House, and ordered to be engrossed. It was also ordered, That a clause be prepared, saving liberty to the Commons to exhibit any farther Articles against the said Thomas earl of Macclesfield, and that he might be put to answer the said crimes and misdemeanors.

March 19. Sir George Oxenden presented to the House a Clause saving liberty to the Commons to exhibit farther Articles against the earl of Macclesfield, which was agreed to, and ordered to be engrossed with the Articles of Impeachment against the said earl.

March 20. The engrossed Articles of Impeachment of High Crimes and Misdemeanors against Thomas earl of Macclesfield were read, and ordered to be carried to the Lords by sir George Oxenden.

ARTICLES OF IMPEACHMENT AGAINST THE EARL OF MACCLESFIELD.] March 20. A Message was brought from the House of Commons, by Sir George Oxenden and others; who delivered at the Bar the Articles of Impeachment against the Earl of Macclesfield.

Then the said Articles of Impeachment were read, by the clerk, as follow:

"ARTICLES, exhibited by the Knights, Citizens, and Burgesses, in Parliament assembled, in the name of themselves and all the Commons of Great Britain, against THOMAS Earl of MACCLESFIELD, in Maintenance of their Impeachment against him, for high Crimes and Misdemeanors.

"Whereas the Office of Lord Chancellor of Great Britain is an office of the highest dignity and trust, upon the impartial and uncorrupt execution whereof the honour of the crown and the welfare of the subjects of this kingdom greatly depend: And whereas Thomas earl of Macclesfield, in or about the month of May in the year of our Lord 1718, by the great grace and favour of his most excellent Majesty, was constituted and appointed Lord Chancellor of Great Britain, and did thereupon take the usual oath for the due execution of that high office, whereby he did swear, well and truly to serve our sovereign lord the king and his people, poor and rich, after the laws and usages of this realm, and such other oaths as have been accustomed: and the said earl continued in this great office until about the month of January in the year of our Lord 1724: and, in right thereof, was entrusted with the nomination and admission to the offices of Masters of the Court of Chancery; which Masters of the said Court are officers of great trust, sworn to serve the King and his people, and associated to the Lord Chancellor for his assistance in the due administration and execution of justice in the said Court; And whereas his Majesty upon the said Earl's being appointed to the office of Lord Chancellor, did, of his grace and bounty, bestow upon the said earl the sum of

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14,000*l.* or some other great sum: and did likewise grant unto George Parker, esq. now commonly called lord Parker, eldest son and heir apparent of the said earl, a yearly pension of 1,200*l.* payable out of his Majesty's receipt of the Exchequer, during the joint lives of his Majesty and the said lord Parker, determinable upon his Majesty's making a grant to the said lord Parker, in possession, of the office of one of the tellers of his Majesty's Exchequer, for the term of his natural life: which office, being of the yearly value of 1,500*l.* or upwards, has been since granted by his Majesty unto the said lord Parker for his life, who, in or about the month of July in the year of our Lord 1719, was duly admitted to, and doth still enjoy, the same; and the said earl, during the time of his continuing Lord Chancellor of Great Britain, did not only enjoy the usual salary, fees, and profits, belonging to his office, of a very great annual value; but also did continue to receive an annual pension of 1,200*l.* which his Majesty, in or about the month of June in the year of our Lord 1716, had granted to him and his assigns, during his Majesty's life; and did likewise receive from the crown a further annual allowance of 4,000*l.* and many other advantages: Yet he the said Thomas earl of Macclesfield, not being satisfied with this large and ample revenue, nor regarding the obligation of his oath, or the duty of his high and important office; but entertaining wicked and corrupt designs and views, to raise and procure to himself excessive and exorbitant gain and profit, by divers unjust and oppressive practices and methods herein after mentioned, whilst he continued in the said office of Lord Chancellor, did, illegally, corruptly, and extorsively, take and receive to his own private use the following or some other great sums of Money:

ARTICLE I.

"That Richard Godfrey, esq. having contracted with sir Thomas Gery, one of the Masters of the Court of Chancery, for the purchase and surrender of his office, at the price of 5,000*l.* or some other great sum of money, the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, and before the admission of the said Richard Godfrey into the office of one of the Masters of the Court of Chancery, did, by colour of his office of Lord Chancellor, illegally, corruptly, and extorsively, insist upon, take, and receive, of and from the said Richard Godfrey, the sum of 840*l.* or some other sum of money, for the admitting him into such office of a Master of the Court of Chancery, and to the intent that the said Richard Godfrey should have, exercise, and enjoy the same, which said office touches and concerns the administration and execution of justice in the said court: And the said Thomas earl of Macclesfield, being Lord Chancellor, in pursuance and execution of the said wicked and corrupt bargain, or in pursuance of some other bargain or agreement of the same infamous and corrupt nature, did admit and swear the said Richard Godfrey into the office of one of the Masters of the said Court of Chancery, upon the surrender of the said sir Thomas Gery, in breach and violation of his oath as Lord Chancellor and of the great trust in him reposed, contrary to the duty of his office, and the good and wholesome laws and statutes of this realm.

ARTICLE II.

"That the office of one of the Masters of the said Court of Chancery becoming vacant, by the death of Samuel Browning, esq. one of the late Masters of the said Court, the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, and before the admission of James Lightboun, esq. into the said office of one of the Masters of the Court of Chancery, did, by colour of his office of Lord Chancellor, illegally, corruptly, and extorsively, insist upon, take, and receive, of and from the said James Lightboun, the sum of 6,000*l.* or some other great sum of money, in consideration of and for the admitting him into such office, and to the intent that the said James Lightboun should have, exercise, and enjoy the same, which said office touches and concerns the administration and execution of justice in the said Court: And the said Thomas earl of Macclesfield, being Lord Chancellor, in pursuance and execution of the said wicked and corrupt bargain, or in pursuance of some other bargain or agreement of the same infamous and corrupt nature, did admit and swear the said James Lightboun into the office of one of the Masters of the said Court of Chancery, in breach and violation of his oath as Lord Chancellor, and of the great trust in him reposed, contrary to the duty of his office, and against the good and wholesome laws and statutes of this realm.

ARTICLE III.

"That John Borret, esq. having contracted with John Meller, esq. one of the Masters of the Court of Chancery, for the purchase and surrender of his said office, at the price of 9,000 pounds, or some other great sum of money; the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, and before the admission of the said John Borret into the office of one of the Masters of the Court of Chancery, did, by colour of his office of Lord Chancellor, illegally, corruptly, and extorsively, insist upon, take, and receive, of and from the said John Borret, the sum of 1,575*l.* or some other sum of money, for the admitting him into such office of a Master of the said Court of Chancery, and to the intent that the said John Borret should have, exercise, and enjoy the same, which said office touches and concerns the administration and execution of justice in the said Court. And the said Thomas earl of Macclesfield, being Lord Chancellor, in pursuance and execution of the said wicked and corrupt bargain, or in

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pursuance of some other bargain or agreement of the same infamous and corrupt nature, did admit and swear the said John Borret into the office of one of the Masters of the said Court of Chancery, upon the surrender of the said John Meller, in breach and violation of his oath as Lord Chancellor, and of the great trust in him reposed, contrary to the duty of his office, and against the good and wholesome laws and statutes of this realm.

ARTICLE IV.

"That Edward Conway, esq. having contracted with John Orlebar, esq. one of the late Masters of the Court of Chancery, for the purchase and surrender of his said office, at the price of 6,000*l.*, or some other great sum of money; the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, and before the admission of the said Edward Conway into the office of one of the Masters of the Court of Chancery, did by colour of his office of Lord Chancellor, illegally, corruptly, and extorsively, insist upon, take, and receive, of and from the said Edward Conway, the sum of 1,500*l.*, or some other sum of money, for the admitting him into such office of a Master of the said Court of Chancery, and to the intent that the said Edward Conway should have, exercise, and enjoy the same, which said office touches and concerns the administration and execution of justice in the said Court: And the said Thomas earl of Macclesfield, being Lord Chancellor in pursuance and execution of the said wicked and corrupt bargain, or in pursuance of some other bargain or agreement of the same infamous and corrupt nature, did admit and swear the said Edward Conway into the office of one of the Masters of the said Court of Chancery, upon the surrender of the said John Orlebar, in breach and violation of his oath as Lord Chancellor, and of the great trust in him reposed, contrary to the duty of his office, and against the good and wholesome laws and statutes of this realm.

ARTICLE V.

"That William Kynaston, esq. having contracted with William Rogers, esq. one of the Masters of the Court of Chancery, for the purchase and surrender of his said office, at the price of 6,000*l.*, or some other great sum of money, the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, and before the admission of the said William Kynaston into the office of one of the Masters of the Court of Chancery, did, by colour of his office of Lord Chancellor, illegally, corruptly, and extorsively, insist upon, take, and receive, of and from the said William Kynaston, the sum of 1,575*l.*, or some other sum of money, for the admitting him into such office of a Master of the said Court of Chancery, and to the intent that the said William Kynaston should have, exercise, and enjoy the same, which said office touches and concerns the administration and execution of justice in the said Court: And the said Thomas earl of Macclesfield being Lord Chancellor, in pursuance and execution of the said wicked and corrupt bargain, or in pursuance of some other bargain or agreement of the same infamous and corrupt nature, did admit and swear the said William Kynaston into the office of one of the Masters of the said Court of Chancery, upon the surrender of the said William Rogers, in breach and violation of his oath as Lord Chancellor, and of the great trust in him reposed, contrary to the duty of his office, and against the good and wholesome laws and statutes of this realm.

ARTICLE VI.

"That Thomas Bennet, esq. having contracted with John Hiccocks, esq. one of the Masters of the Court of Chancery, for the purchase and surrender of his said office, at the price of 7,500*l.* or some other great sum of money, the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, and before the admission of the said Thomas Bennet into the office of one of the Masters of the said Court of Chancery, did, by colour of his office of Lord Chancellor, illegally, corruptly, and extorsively, insist upon, take, and receive, of and from the said Thomas Bennet, the sum of 1,575*l.*, or some other sum of money, for the admitting him into such office of a Master of the said Court of Chancery, and to the intent that the said Thomas Bennet should have, exercise, and enjoy the same, which said office touches and concerns the administration and execution of justice in the said Court: And the said Thomas earl of Macclesfield, being Lord Chancellor, in pursuance and execution of the said wicked and corrupt bargain, or in pursuance of some other bargain or agreement of the same infamous and corrupt nature, did admit and swear the said Thomas Bennet into the office of one of the Masters of the said Court of Chancery upon the surrender of the said John Hiccocks, in breach and violation of his oath as Lord Chancellor, and of the great trust in him reposed, contrary to the duty of his office, and against the good and wholesome laws and statutes of this realm.

ARTICLE VII.

"That the office of one of the Masters of the said Court of Chancery becoming vacant by the death of William Fellows, esq. one of the late Masters of the said Court, the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, and before the admission of Francis Elde, esq. into the said office of one of the Masters of the Court of Chancery, did, by colour of his office of Lord Chancellor, illegally, corruptly, and extorsively, insist upon, take, and receive, of and from the said Francis Elde, the sum of 5,250*l.* or some other great sum of money, in consideration of and for the admitting him into such office of a Master of the said Court of Chancery, and to the intent that the said Francis Elde should have, exercise, and enjoy the same, which said

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office touches and concerns the administration and execution of justice in the said Court: and the said Thomas earl of Macclesfield, being Lord Chancellor, in pursuance and execution of the said wicked and corrupt bargain, or in pursuance of some other bargain or agreement of the same infamous and corrupt nature, did admit and swear the said Francis Elde into the office of one of the Masters of the said Court of Chancery, in breach and violation of his oath as Lord Chancellor, and of the great trust in him reposed, contrary to the duty of his office, and against the good and wholesome laws and statutes of this realm.

ARTICLE VIII.

"That the office of one of the Masters of the said Court of Chancery becoming vacant by the death of John Borret, esq. one of the late Masters of the said Court, who died insolvent, greatly indebted to the Suitors of the said Court, the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, without securing a just satisfaction to the said Suitors for their debts, and before the admission of Mark Thurston, esq. into the said office of one of the Masters of the Court of Chancery, did, by colour of his office of Lord Chancellor, illegally, corruptly, and extorsively, insist upon, take, and receive, of and from the said Mark Thurston, the sum of 5,250*l.* or some other great sum of money, in consideration of and for the admitting him into such office of a Master of the said Court of Chancery, and to the intent that the said Mark Thurston should have, exercise, and enjoy the same, which said office touches and concerns the administration and execution of justice in the said Court: and the said Thomas earl of Macclesfield, being Lord Chancellor, in pursuance and execution of the said wicked and corrupt bargain, or in pursuance of some other bargain or agreement of the same infamous and corrupt nature, did admit and swear the said Mark Thurston into the office of one of the Masters of the said Court of Chancery, in breach and violation of his oath as Lord Chancellor, and of the great trust in him reposed, contrary to the duty of his office, and against the good and wholesome laws and statutes of this realm.

ARTICLE IX.

"That whereas Thomas Bennet, esq. in or about the month of August in the tenth year of his Majesty's reign, was possessed of an office in the Court of Chancery, called "The office of Clerk of the Custodies," for the term of his life, by virtue of his Majesty's Letters Patents under the Great Seal of Great Britain, which office is an office of trust in the said Court, in the gift and disposal of the crown, by grant under the Great Seal, and concerns the writing and making Commissions to inquire of ideots and lunatics, and the process thereupon, and Letters Patents for the custody of the bodies of ideots and lunatics, and the keeping, entering, and transcribing orders, reports, and accompts, made and declared touching ideots and lunatics, and their estates in the said Court of Chancery; and the said Thomas Bennet having agreed with Hugh Hamersley, esq. to resign the said office, in order to obtain his Majesty's royal grant of the said office to the said Hugh Hamersley, the said Thomas earl of Macclesfield, being then Lord Chancellor of Great Britain, did refuse to permit or accept of such resignation, until the said Thomas Bennet had agreed to pay unto the said Thomas earl of Macclesfield, or unto his use, 105*l.* or some other sum of money, as a consideration for the same; and, by colour of his office of Lord Chancellor, did, illegally, corruptly, and extorsively insist upon, take, and receive, of and from the said Thomas Bennet, the said 105*l.* or some other sum, for and in consideration of the permitting and accepting such surrender of the said office, in order to and for the obtaining and procuring a new grant of the said office to the said Hugh Hamersley; and, in pursuance thereof, the said Thomas earl of Macclesfield, then being Lord Chancellor, and one of the Lords Justices of this kingdom during his Majesty's absence, did accept, or cause to be duly accepted, the resignation of the said Thomas Bennet of the said office; and, by his interest and recommendation, did obtain and procure his Majesty's royal warrant for preparing and passing his Majesty's grant of the said office, under the Great Seal, to the said Hugh Hamersley, for the term of his life; which grant afterwards, in or about the month of September in the tenth year of his Majesty's reign, did accordingly pass the Great Seal, then in the custody of the said earl, for which all the usual and accustomed fees were paid, over and besides the said 105*l.* in great deceit of the crown, in breach and violation of his oath as Lord Chancellor, and of the several great trusts then in him reposed, contrary to the duty of his office, and against the good and wholesome laws and statutes of this realm.

ARTICLE X.

"That the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, did illegally and corruptly ordain, name, and make, divers other officers and ministers of his Majesty, for gift and brocage; and did likewise illegally and corruptly sell divers other offices, touching and concerning the administration and execution of justice in the Court of Chancery, to several persons, for divers great sums of money, which the said earl did receive from the said persons for their respective admissions into such offices, and before they were admitted thereunto, and in order that the said persons should have, exercise, and enjoy the same, in great breach of the trust in him reposed, and of his oath as Lord Chancellor, contrary to the duty of his office, and against the laws and statutes of this realm.

ARTICLE XI.

"That the said Thomas earl of Maccles-

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field, whilst he continued in the Office of Lord Chancellor of Great Britain, in order to advance and increase the illegal and corrupt gain arising to himself from the sale and disposal of the offices of Masters of the Court of Chancery, in violation of the great trust reposed in him for the care and protection of the suitors of the said Court, whose money and effects were, by orders of the said Court, lodged in the hands of the Masters of the Court of Chancery, did admit several persons to the said offices of Masters of the said Court of Chancery, who, at the time of such their admissions, were of small substance and ability, very unfit to be trusted with the great sums of money and other effects of the suitors of the said Court, lodged in their hands by the orders of the said Court; and, did publicly, in open Court, when he sat there as Lord Chancellor, falsely represent the said persons, so by him admitted to the offices of Masters of the said Court of Chancery, as persons of great fortunes, and in every respect qualified for the trust reposed in them, to the manifest deceit and injury of the suitors of the said Court.

ARTICLE XII.

"That, whilst the said Thomas earl of Macclesfield executed the said office of Lord Chancellor, an unjust and fraudulent method was practised in the Court of Chancery, upon the sale of the offices of Masters of the said Court, and upon the admissions of new Masters; that the prices, or sums of money agreed to be paid for the purchase of the said offices, and for the admissions thereunto, were satisfied and paid out of the monies and effects of the suitors of the Court, deposited in the hands of the respective Masters surrendering their offices, or dying, either by way of retainer of the purchase-money in the hands of the Master resigning, or of replacing the money disbursed for such purchase or admission by the succeeding Master, out of the money and effects of the suitors coming into his hands; by which practice, the price, and value given upon the sale of the said offices and admissions thereinto, during the time aforesaid, were greatly advanced; and several persons of small ability and substance were encouraged to contract for the said offices upon a prospect of the easy method of paying for the purchase of the same; by means whereof great deficiencies have incurred in the offices of several Masters of the said Court, admitted by the said Thomas earl of Macclesfield, which they have not been able to answer and make good: and although the said practice was notorious and public, and the said earl was well informed thereof, and fully acquainted therewith; yet the said Thomas earl of Macclesfield, in order to increase his own unjust and corrupt profit in the selling the said offices and the admissions thereto (which, in consequence of this evil practice, was raised and received by him out of the effects of the suitors for whom he was intrusted), did not, at any time whilst he continued in his office of Lord Chancellor, use or take any measures to reform the said abuse, or to prevent the same, either by causing proper schedules to be taken of the money and effects of the suitors delivered over and transferred, or by appointing any person in his behalf to inspect or supervise the transfers or deliveries thereof, or in any other manner; but, on the contrary the said Thomas earl of Macclesfield, unjustly, corruptly, and contrary to the duty of his said office of Lord Chancellor (to whom the superintendency of the said Masters and of their accompts did appertain) did suffer the said fraudulent practice to proceed and be exercised, without any controul or check, whereby great embezzlements have been made of the suitors' money and effects, to their great loss, in the offices of several of the Masters of the said Court, who have not been able to answer and pay their respective balances owing upon their accompts, in breach of the trust reposed in him for the preservation of the estates and effects of the suitors, to the dishonour and discredit of the said Court, and to the great injury and defrauding of the said suitors, in a Court of equity established for their relief and protection.

ARTICLE XIII.

"That Fleetwood Dormer, esq. one of the Masters of the Court of Chancery, having embezzled great part of the money and effects belonging to the suitors of the said Court, with which he was intrusted by the said Court, and disposed of the same for his own private advantage, by means whereof there became, and still continues, a great deficiency in that office, to the amount of 25,000*l.* or some other great sum; and the said Fleetwood Dormer having absconded, and for some time absented himself, application was made to the said earl of Macclesfield, then Lord Chancellor of Great Britain, to secure the person of the said Fleetwood Dormer, and to take proper methods for compelling the said Fleetwood Dormer to make satisfaction to the suitors for the money and effects which he had so embezzled; yet the said earl, from an apprehension that a public discovery of the said deficiency might lessen the unjust gain he proposed to make to himself by selling and disposing of the said offices of Masters of the said Court, neglected and declined either to secure the person of the said Fleetwood Dormer and his estate and effects, or to make a proper inquiry into the said deficiency; but, on the contrary, the said earl, whilst he continued Lord Chancellor of Great Britain, did endeavour, by many indirect practices, to conceal from the suitors of the Court the true state and condition of the said office, as well with respect to the effects of the said Fleetwood Dormer, as to the debt due from him to the suitors of the Court; and upon motion made in the said Court of Chancery (after the said earl knew that the said Fleetwood Dormer had so absconded), on behalf of some of the suitors of the Court, to have their effects trans-

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ferred from the said Fleetwood Dormer to some other Master, for the better securing thereof, the said earl of Macclesfield, in order to delude the suitors of the said Court into a belief that their effects were safe, and thereby to prevent a public inquiry, then sitting as Lord Chancellor, in open court, did say, "That the said parties need not be in haste;" and did at the same time falsely and deceitfully declare, "That the said Fleetwood Dormer was only to take the air in the country; and that he would return in a little time, and all would be well;" or to that effect.

ARTICLE XIV.

"That the said Fleetwood Dormer having, towards satisfaction of the suitors of the said Court, assigned to Henry Edwards esquire (who succeeded him in his office of Master of the said Court of Chancery) a debt of twenty-four thousand and forty-six pounds, four shillings, or some other great sum, due, from William Wilson a banker, to the said Fleetwood Dormer, to the intent that the money received on account thereof should be applied and disposed of as the said Court of Chancery should order and direct; the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, for the unlawful purposes aforesaid, without regard to the interest of the said suitors, by colour of his office, did, in an unwarrantable, clandestine, and unusual manner, authorize, direct, and establish, a precarious and trifling composition with the said William Wilson, upon the terms of the said William Wilson's paying the sum of 1,463*l.* 2*s.* 1*d.* and assigning ten thousand pounds, part of a debt of 22,060*l.* 12*s.* 5*d.* pretended to be due to the said William Wilson from Edward Poulter, or to that effect, in discharge of the said debt; and to that end, upon the report of John Hiccocks esquire, then one of the Masters of the said Court, without any attendance ordered or had thereupon, and without notice to the said Suitors, did, by a private order, not made in open court, order the said Henry Edwards to accept of the said composition, in full discharge of the said debt; which said Edward Poulter was a person insolvent, and has since absconded for debt; and none or but a very small part of the said 10,000*l.* has been, or is ever likely to be, received.

ARTICLE XV.

"That the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, to carry on his corrupt and unjust purposes, and to conceal the deficiency that was in the office of the said Fleetwood Dormer, did, in or about the month of February in the year of our Lord 1720, order the several Masters of the said Court of Chancery to bring in their accompts of the cash, effects, and securities, in their hands, belonging to the suitors of the Court; not with a design of examining their accounts, or securing the estate and effects of the suitors, but with an intent to terrify the said Masters, and thereby oblige them to contribute great sums of money towards answering the demands that should from time to time be made upon the said office; for which purpose, he the said earl did at several times represent, or cause to be represented, to the said Masters, "That, if they refused so to do, the money and effects of the suitors would be taken out of their hands, and the said Masters deprived of making any profit of the same;" by which practices, the said earl being then Lord Chancellor of Great Britain, by colour of his authority, did persuade and induce nine of the Masters of the said Court of Chancery to pay 500*l.* each for the purpose aforesaid, several of whom paid the same out of the money or effects of the suitors in their hands; but after such payments, the said Thomas earl of Macclesfield did not oblige the said Masters to deliver in their accounts in pursuance of such his said order.

ARTICLE XVI.

"That Elizabeth Chitty, widow, having obtained an Order of the Court of Chancery, on or about the 27th of March in the 10th year of his present Majesty's reign, made by the said Thomas earl of Macclesfield, then Lord Chancellor, whereby Henry Edwards esquire, one of the Masters of the said Court of Chancery, who succeeded Fleetwood Dormer esquire in the said office, was ordered to pay her the sum of 1,000*l.* part of the sum of 10,000*l.* or other great sum of money, formerly paid into the hands of the said Fleetwood Dormer as a Master of the said Court, and by the said Order mentioned to be then in the hands of the said Henry Edwards; and the said Henry Edwards complaining to the said earl, "that the making orders upon him to pay money, which had been received by the said Fleetwood Dormer, was a very great hardship upon him the said Henry Edwards, in regard he had not any money, or effects in his hands to answer such demands:" the said earl of Macclesfield, being then Lord Chancellor, in further prosecution of his unjust and corrupt purposes, did, by colour of his authority, endeavour to prevail with the Masters of the said Court of Chancery to raise the said sum of 1,000*l.* out of their effects, by representing to them, "that a discovery of the deficiency in the said office might occasion a parliamentary or public inquiry into the nature and condition of their offices, and hazard the forfeiture of the same, by reason of their having bought their offices, contrary to law, which, the said Earl then declared, would affect him, but themselves much more;" or to that effect: But the said Masters refusing to raise the said sum of 1,000*l.* the said earl of Macclesfield did order his secretary, Peter Cottingham esquire, to pay the said 1,000*l.*; who, in pursuance of the said Earl's directions, in or about the month of July 1724, did pay the same to Ascan Christopher Lochman, for the use of the said Elizabeth Chitty; and the said earl of Macclesfield, upon application made to him by the said Ascan

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Christopher Lochman for payment of the said money, did acquaint him, "That he the said Earl had given directions to his secretary for payment of that sum;" but, at the same time, declared to the said Ascan Christopher Lochman, "That he the said Earl believed this would be the last payment she was like to receive out of the said money paid into the hands of the said Fleetwood Dormer; for the residue thereof was in great danger of being lost, by reason of the deficiency in the effects of the said Fleetwood Dormer," or to that effect. Notwithstanding all which proceedings in this and the several other Articles mentioned, upon a motion made in the Court of Chancery, before the said Thomas earl of Macclesfield, then Lord Chancellor, on or about the fifth day of December last, in a cause there depending, between Jane Harper plaintiff and Thomas Case and others defendants, relating to the sum of 260*l.* or some other sum, deposited in the hands of the said Fleetwood Dormer before his absconding, and which was then apprehended in great danger of being lost, the said Thomas earl of Macclesfield, then sitting in court as Lord Chancellor, did, publicly, falsely, and deceitfully, declare, "That he had heard there was a deficiency in the office of the said Fleetwood Dormer; but that he the said earl knew nothing of it, only as public news," or to that effect; and thereupon did order, that the said Henry Edwards should examine in what manner the said 260*l.* were deposited with the said Fleetwood Dormer, and whether there was likely to be a loss of any money deposited with the said Fleetwood Dormer.

ARTICLE XVII.

"That, notwithstanding the said earl of Macclesfield well knew that there was a very great deficiency and loss by the failure of the said Fleetwood Dormer, and that the said Henry Edwards, his successor, had not sufficient in his hands to pay the whole money due to the suitors of the Court, that had been received by the said Fleetwood Dormer on their account; yet the said earl of Macclesfield, being Lord Chancellor, in order to carry on his unjust designs of concealing the said deficiency, and to prevent any public inquiry that might arise from the just complaint of the suitors of the said Court, did, from time to time, in manifest and wilful violation of the trust reposed in him, make orders on the said Henry Edwards, for payment of the money belonging to several particular suitors, which had been lodged in the hands of the said Fleetwood Dormer; in obedience to which orders, several sums were paid, without regard to, or consideration of, the proportion which the rest of the suitors were entitled to, out of the effects of the said Fleetwood Dormer; whereby many of the said suitors lost the benefit of their proportionable share, to which in justice they were entitled.

ARTICLE XVIII.

"That the said Thomas earl of Macclesfield, notwithstanding that he very well knew, and was informed, that the Masters of the said Court did, or that it was in their power, from time to time, and at their pleasure, to dispose of and employ the money and effects belonging to the suitors of the said Court, which were entrusted with them respectively; and more particularly, that the deficiency appearing in the office of Fleetwood Dormer, esq, one of the Masters of the Court of Chancery, was chiefly occasioned by his the said Fleetwood Dormer's having taken upon himself unduly to dispose of and employ the money and effects belonging to the suitors of the said Court, which were entrusted in his hands; and notwithstanding that, soon after the said Fleetwood Dormer became insolvent, it was represented and proposed to the said Thomas earl of Macclesfield, then Lord Chancellor of Great Britain, in order to prevent for the future any losses that might happen to the suitors of the said court, "that the several effects and securities belonging to the suitors should be placed out in such manner, as that the power of disposing, employing, or in any manner trading with the same, might be totally taken away from the said Masters; for the effecting of which just design, a particular method was laid before the said Earl; and it was also further proposed, "that the said Masters should give some reasonable security to answer the balance of such cash as should from time to time, be in their hands;" and, notwithstanding the said Earl was credibly informed, that the sufficiency of some other of the said Masters was very much suspected, yet the said Thomas earl of Macclesfield, whilst he was Lord Chancellor of Great Britain, contrary to the duty of his office, and thereby proposing to make unlawful gain to himself by the disposal and sale of the offices of Masters of the said Court of Chancery, and in order to induce persons to give him, the said Earl, a greater price or reward for their being admitted to the same, did not require or demand any security whatsoever to be given by any of the said Masters, upon their being admitted to their offices, or at any other time; and the said Earl, with the same corrupt view and intention, and to keep up the price of the said offices, totally neglected to enquire into the accompts of the said Masters, and did fraudulently, unjustly, and in breach of the trust reposed in him, permit and encourage the Masters of the said Court to employ and traffic with large sums of money belonging to the suitors of the said Court, and to make interest thereof, for their own unjust gain and profit; and the said Earl, after such proposal made to him as aforesaid, or at any other time during his continuance in the said office, did not take any care that the effects of the said suitors should be placed out in such manner as to prevent the Masters from trafficking therewith, or that the said Masters should

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give such security as was proposed; by means whereof, great deficiencies, to the amount of many thousand pounds, have been, through such default of the said Earl, occasioned in the offices of several other of the Masters, to the great loss and injury of the suitors of the said Court.

ARTICLE XIX.

"That whereas his most sacred Majesty, out of his fatherly goodness to his people, did, in or about the month of November last, direct an inquiry to be made into the accounts of the Masters of the said Court of Chancery, to the intent that proper methods might be taken for the security of the suitors of the said Court; the said Thomas earl of Macclesfield, being then Lord Chancellor of Great Britain, and one of his Majesty's most honourable privy council, in order to obstruct the same, and to prevent a parliamentary inquiry into the state and condition of the offices of the said Masters, in breach of the several great trusts reposed in him, did give advice and encouragement to the said Masters, to assist and supply each other with money and effects; and did represent to the said Masters, "That it would be for their honour and service, to appear able and sufficient; and that, if they made a bold stand now, it might prevent a parliamentary enquiry;" or to that effect; and did persuade several of them to make false representations of their circumstances to his Majesty, by adding a subscription to their respective accounts, delivered to the said Earl, to be laid before his Majesty, to the effect following; (videlicet,) "That they were able to answer the money and securities in their hands, and were willing to pay the same to such persons as were entitled thereunto;" although the said Earl knew, or had good reason to believe, that several of the Masters were not then able to answer the balance of their accompts, nor are they yet able to satisfy or make good the same; and when the said Masters were afterwards required to produce the cash and effects of the suitors in their hands, some of the said Masters according to such advice and encouragement given by the said Earl, did supply others of them with cash and effects, to make a false show and appearance of their ability and readiness to answer the balance of their accompts.

ARTICLE XX.

"That the said Thomas Earl of Macclesfield, whilst he continued in the office of Lord Chancellor of Great Britain, in breach of the trust reposed in him, and contrary to the duty of his office, did, at several times, borrow and receive, of some of the Masters of the said Court, several great sums of the money belonging to the suitors of the said Court, deposited in the hands of such Masters, and did make use thereof for his own private service and advantage, so long as he had occasion for the same.

ARTICLE XXI.

"That the said Thomas earl of Macclesfield, whilst he continued Lord Chancellor of Great Britain, did, in an illegal and arbitrary manner, extend the power and authority of Lord Chancellor and of the Court of Chancery, beyond their lawful and just bounds; and did arbitrarily and illegally assume to himself, as Lord Chancellor, and by colour of his office, an unjust and unlimited power of dispensing with, suspending, and controlling, the statutes of this realm, made for the security and preservation of the estates and properties of the subjects of this kingdom, to the great oppression of the suitors of the said Court, in subversion of the laws and statutes of this realm, in manifest breach and violation of the rights and liberties of his Majesty's good subjects, and of his own most solemn oath as Lord Chancellor of Great Britain; and more especially, when Francis Tyssen, esq. deceased, being seised and possessed of a real estate of the value of 3,000*l.* per annum, or some other great annual value, did, by his last will and testament in writing duly executed, in or about the month of October, 1717, give and devise all his said real estate to the child his wife was at that time *enseint* with (if such child should be a son), for his life, without impeachment of waste, with remainders to the first and other sons of the said infant in tale male; and did likewise, by such will, expressly nominate and appoint his the said testator's wife, Rachael Tyssen, to be the guardian of all his children during their respective minorities, if she should so long continue a widow; and the said Francis Tyssen soon after died, leaving one daughter and the said Rachel his widow with child; after whose decease, the said Rachel was delivered of such child, being a son, afterwards named Francis John Tyssen; in whose right, by virtue of the said will, and of the statute made in the 12th year of the reign of king Charles the second, intituled, 'An act for the taking away the 'court of wards and liveries, and tenures *in* '*capite* and by knights' service, and purvey-'ance, and for settling a revenue upon his Ma-'jesty in lieu thereof,' the said Rachel Tyssen did lawfully take into her care and custody her said infant son, and the estate so devised to him, or was willing and endeavoured so to do, and to undertake the management of his said lands and tenements for his best advantage, and demeaned herself therein without any misbehaviour: Yet the said Thomas earl of Macclesfield, being then Lord Chancellor of Great Britain, under colour of his office and authority, did, by several orders made by him in the months of January and February in the fifth year of his Majesty's reign, or in one of them, illegally and arbitrarily, and in direct contravention of the statute made in that behalf, remove and exclude the said Rachel Tyssen, the guardian of the said infant, and also John Nicholas, esq. (a person of good substance and ability, nominated by the said Rachel Tyssen

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to be receiver of the rents and profits of the said infant's estate, and approved by Robert Holford, esq. one of the Masters of the said Court, for that purpose, and who had given sufficient security for the due execution of his said trust) from the management and receivership of the said infant's estate; and did, by such orders, unduly and injuriously nominate and appoint Robert Doyley, esq. a creature and confidant of his own, and a person altogether unfit and unqualified for so great a trust, to be receiver of the rents and profits of the said infant's estate, and to have a salary for the same, with a power to let such part of the said estate as was or should become untenanted, with the approbation of the said Robert Holford; although the said Rachel Tyssen did expressly object unto and oppose such appointment of the said Robert Doyley, and did insist to have the benefit and exercise of her right in that respect, as the guardian appointed and entrusted by her late husband; and the said Robert Doyley, after he was so admitted into the said receivership, did for several years receive the rents and profits of the said infant's estate, to the amount of about 10,000*l.* or other great sum, and in his life-time did embezzle and convert to his own use great part thereof; and in or about the month of November, 1722, died insolvent, and indebted to the said infant and his estate in the sum of 2,600*l.* or other great sum, upon the balance of his accompt, no part whereof has hitherto been satisfied or paid: And the said Thomas earl of Macclesfield, in further abuse of his power, and in contempt of the laws and statutes of this realm, when, upon debate of the matter in the said Court of Chancery before the said earl, being then Lord Chancellor, in the month of January or February in the fifth year of his Majesty's reign, or in one of them, it was insisted upon, in behalf of the said Rachel Tyssen, by her counsel of great ability and experience in the said Court, 'That such the proceedings of the said 'earl as Lord Chancellor, were a reviving the 'power of the Court of Wards, and were not 'supported or warranted by any precedent in 'the Court of Chancery;' he the said Thomas earl of Macclesfield, then sitting in the Court as Lord Chancellor, did not only persist in such his appointment of the said Robert Doyley, but did also arbitrarily, and in defiance of the said good and beneficial statute, say and declare, in open Court, 'That then he would 'make a precedent in that instance;' or he the said earl declared and expressed himself to that effect; which actings, proceedings, and declarations of the said earl, have been and were not only very injurious and prejudicial to the right and interest of the said Rachel Tyssen as guardian, and to the great damage and loss of the infant Francis John Tyssen, and a notorious violation of property; but were also a dangerous exercise of illegal and arbitrary power, to the destruction of the laws and constitution of this realm, in manifest breach of his oath as Lord Chancellor, and in great abuse of his authority.

"And the said knights, citizens, and burgesses, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any further Articles, or other Accusation or Impeachment, against the said Thomas earl of Macclesfield, and also of replying to his Answers which he shall make unto the said Articles, or any of them, and of offering proof to all and every the aforesaid Articles, and to all and every other Articles, Impeachment, or Accusation, which shall be exhibited by them, as the case shall according to the course of parliament require, do pray, that the said Thomas earl of Macclesfield may be put to answer the said Crimes and Misdemeanors; and that such proceedings, examinations, trials, and judgments, may be thereupon had and given, as is agreeable to law and justice."

Which being ended;

The earl of Macclesfield desired a copy thereof might be delivered to him; and said, He would put in his Answer as soon as he could. And then his lordship desired, That Mr. Reeves, Mr. Lingard, Mr. Robyns, and Mr. Strange, might be assigned him for his counsel.—Ordered accordingly.

THE EARL OF MACCLESFIELD'S ANSWER TO THE ARTICLES OF IMPEACHMENT.] April 8. The Earl of Macclesfield presented to the House of Lords his Answer to the Articles of Impeachment exhibited against him by the House of Commons: Which was read, as follows:

"The ANSWER of THOMAS Earl of MACCLESFIELD, to the Articles exhibited by the Knights, Citizens, and Burgesses, in Parliament assembled, in the Name of themselves and of all the Commons of Great Britain, in Maintenance of their Impeachment against him for high Crimes and Misdemeanors supposed to have been by him committed.

"The said Earl, saving to himself all advantage of exception to the said Articles, and of not being prejudiced by any words or want of form in this his Answer; and also saving to himself all benefit and advantage of the act for the King's most gracious, general, and free pardon, herein after mentioned, and all rights and privileges belonging to him as one of the peers of this realm; for Answer to the said articles, saith, That, he having for several years executed the office of chief justice in the court of King's-bench, his Majesty, of his royal grace and favour, was pleased, the tenth day of March 1715, to advance the said earl to the dignity of a peer of this realm, and created him baron of Macclesfield; and, in regard to his circumstances at that time, was further pleased, for the better support of that honour, to grant to the said earl the pension of 1,200*l.* per annum, in the Articles mentioned, payable at the receipt of the Exchequer; and his Majesty was then likewise pleased to de-

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clare his royal intentions of giving to the said earl's only son, George Parker, for his life, an office of considerable profit, when a proper opportunity should offer: That, in the beginning of May in the year 1718, he the said earl was, by his Majesty's great grace and favour appointed Lord Chancellor of Great Britain; and was sworn before his Majesty, in council, the 14th day of that month; when the following oath, being the usual oath of Lord Chancellor, was administered to him; *(viz.)*

"You shall swear, that you shall well and truly serve our sovereign lord the King and his people, in the office of Chancellor of Great Britain; and you shall do right to all manner of people, poor and rich, after the laws and usages of this realm; and truly you shall counsel the King, and his counsel you shall lain and keep; and you shall not know nor suffer the hurt or disheriting of the King, or that the rights of the crown be decreased by any means, as far forth as you may lett; and if you may not lett it, you shall make it clearly and expressly known to the King, with your true advice and counsel; and that you shall do and purchase the King's profit in all that you may: All which you shall do to the best of your skill and knowledge, as God shall help you."

"And the said Earl at the same time took the oaths of allegiance and supremacy, but no oath of office besides that above set forth; and the said earl doth admit that, during his continuance in the said office of Lord Chancellor, he did enjoy the usual salary, fees, and profits, belonging to such office; which, he says, are of much less annual value than they are generally (as he believes) esteemed to be; and that his Majesty was pleased to grant him the salary or allowance of 4000*l.* per ann. in the Articles mentioned, during such time as he should continue to be Lord Chancellor: but the same is so far from being particular in the case of the said earl (as the said Articles would insinuate), that it is no other than what hath been for many years past constantly granted to, and enjoyed by his predecessors in the said office. And the said earl doth likewise admit, that his Majesty did, of his royal grace and bounty, sign a warrant for payment of the sum of 14,000*l.* mentioned in the said Articles, to the said earl, out of the receipt of the Exchequer; whereof 2,000*l.* was the constant usual allowance from the crown to the Lord Chancellor, or Lord Keeper, for and towards the expences in entering upon the said office, and the residue of the said 14,000*l.* over and above the usual fees and deductions upon payment thereof, was his Majesty's royal munificence to the said earl; and the same was received by him accordingly. And the said earl doth likewise, with the greatest gratitude, own, that about the same time, his said son being then of a proper age, and desirous to go abroad to travel, his Majesty was pleased to grant to the said George Parker the yearly pension of 1,200*l.* payable out of the receipt of the Exchequer, during the joint lives of his Majesty and the said George Parker, determinable upon his Majesty's granting to him the said George Parker, in possession or reversion, the office of one of the Tellers of the Exchequer for life, and his coming into the actual possession thereof; and which, the said earl likewise admits, has been since granted to his said son: and that he came into the actual possession thereof, in or about July 1719, whereby the said yearly pension is determined. And the said earl saith, That, during his continuance in the said office of Lord Chancellor, or at any other time, he never once had a design, or view, or wish, to raise to himself any exorbitant gain or profit; much less used, or ever thought of using, any unjust or oppressive methods to extort or obtain any sum whatsoever, as in the said Articles is suggested; but such views and practices are inconsistent with the whole tenor of his life and actions; and in case it shall be thought proper for the said earl to lay before your lordships an accompt of his estate and fortune, and of the considerable sums of money he has distributed for the relief and support of others, it will appear that he is not such a designing, avaricious, and oppressive man, as in the said Articles he is represented. And the said earl humbly hopes that he shall be allowed, in this his Answer, to distinguish between acts themselves, and the inferences drawn from them by the said Articles; and that whenever he admits any fact, he may not be understood to admit that such fact was by him done or committed upon such motives, and with such designs, or in such manner, as is suggested in the said Articles; and with this reservation, he answereth as followeth: By way of general Answer to such of the said Articles as relate to the making any present by persons admitted to the office of Masters in Chancery: the said earl doth say, That the same has been long used and practised in the time of his predecessors in the said office; and that such presents have been reckoned amongst the ancient and known perquisites of the Great Seal, and the making and accepting thereof has been notorious to all the world, and never before looked upon to be criminal, or complained of as such. And the said earl humbly hopes, that the giving or receiving of a present on such occasions is not criminal in itself, or by the common law of this realm; and that there is not any act of parliament whatsoever, by which the same is made criminal, or subject to any punishment or judgment, which can be prayed in this prosecution. And the said earl thinks himself obliged humbly to lay this before your lordships, not only in his own defence, but in vindication of the honour of so many great and excellent men who have been his predecessors in the said office, and have all along done the same for which the said earl is now complained of; and of others, having been lords chief justices of the King's-bench and Common Pleas, Masters of the Rolls, and other judges who have likewise received pre-

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sents in money upon the admission of the several and respective officers under them in several courts of justice; and who, the said earl is assured, never apprehended themselves to be guilty of any crime against any the good and wholesome laws or statutes of this realm.

"To the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Articles; the said earl further saith, That, long before the 24th of July 1721, he did admit and swear Richard Godfrey, James Lightboun, John Borret, and Edward Conway, esquires, into the offices of Masters of the Court of Chancery: and every one of them did, freely and voluntarily, and of their own accord, as former Masters had done to the predecessors of the said earl, send to the said earl a present upon occasion of their respective admittances, which the said earl accepted: And that, after the said 24th day of July 1721, he did admit and swear William Kynaston, Thomas Bennet, and Francis Elde, into the offices of Masters of the Court of Chancery; and saith, that every of the said persons last named did, freely and voluntarily, and of their own accord, in like manner, send a present to the said earl, upon occasion of their respective admittances: But saith, That, it being pretended by the said Kynaston and Bennet, that hey were by such presents disabled from answering so much of the money due from them to the suitors of the court, he the said earl did, afterwards and before the impeachment, deliver the present so sent him by the said William Kynaston, being 157*5l.* and also the present so sent him by the said Thomas Bennet, being the like sum of 157*5l.* into the Court of Chancery, in open court, to be applied for the benefit of the suitors, as the Court should direct; and that the said earl retained of the present so sent him by the said Francis Elde, no more than the sum of 185*0l.*

"VIII. To the Eighth Article; the said Earl further saith, That, in July last, the office of one of the Masters of the said Court became vacant by the death of John Borret esquire, who died intestate, but whether solvent or not he cannot say; but, upon notice of his death, the said earl did at first desire Richard Godfrey esquire, one of the Masters of the said court, who had been very well acquainted with the said Mr. Borret and his affairs, and afterwards the said Mr. Godfrey and John Bennet esquire, another of the Masters of the said court, to inquire into his effects, and to take what care they could about the same; who, after some inquiry, informed the said earl, "that they believed there would be no deficiency;" and secured a considerable part of the effects of the said Mr. Borret; and entered a proper caveat in the prerogative court, to prevent administration being granted to any persons who might embezzle the said Borret's estate; and afterwards, at the request of the said earl, proceeded so far as to obtain a sentence in the said prerogative court, for administration to be granted, for the benefit of the suitors of the court, to them the said Mr. Bennet and Mr. Godfrey; which was afterwards, upon their waiving thereof, granted to Mr. Paxton, as the said earl believes: But the said Earl thought it proper and necessary to admit another Master in his place, to carry on the business of the court, and to be entitled to demand the effects of the suitors from the representative of the said Mr. Borret when one should be appointed; and therefore, about the 5th day of August last, did admit and swear Mark Thurston esquire into the said office, vacant by the death of the said Borret; and the said Earl admits the said Mark Thurston did, upon that occasion, freely and voluntarily, and of his own accord, send a present; whereof 2,000*l.*, and no more, were retained.

"IX. In Answer to the Ninth Article; the said Earl saith, That he believes Thomas Bennet, esq., in this Article named, was possessed of the office of Clerk of the Custodies, in the Article described, and that such office is in the gift and disposal of the crown, by grant under the great seal; but denies that he did, at any time, insist upon the sum of 10*5l.*, or any other sum of money, to permit or accept of the resignation of the said Thomas Bennet, or did refuse to permit or accept thereof until the said Thomas Bennet had agreed to pay the same, or any other sum on that account: But saith, That although the said office be usually granted by the crown, yet it has always been looked upon to be the right of the Lord Chancellors, or Lord Keepers, to recommend to that and other offices under the Great Seal, and to approve and allow of the deputies to execute the same; and, upon such recommendations and approving of deputies, have accepted presents, and looked upon the same as their right. And further saith, That there have been two of such offices granted in his time, one of which appearing to him to be a case wherein the party had suffered great hardship, the said Earl passed the same without any present whatsoever, though the office be of considerable value; the other was the case of Mr. Hamersley, in the Articles mentioned, in which the said Earl owns he did accept a present.

"X. In Answer to the Tenth Article; the said Earl saith, The same is conceived in such general terms, that it is not to be expected he should give any particular answer thereto: However, he saith, That, during the whole time of his being Lord Chancellor, he never once took any money, present, or gratuity whatsoever, for or upon account of the naming, making, or admitting any officer whatsoever, other than before particularly named, except in the Cursitor's office, where he owns he has done as was done by all his predecessors before him.

"XI. In Answer to the Eleventh Article; the said Earl saith, That, the same not containing any particular charge, he apprehends himself not obliged to give any particular an-

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swer thereto; but however, in general, does say, That he never did admit any person into the office of a Master of the Court of Chancery but who was either known to be of substance and ability, and fit to be trusted in such office, or, upon a proper inquiry, very well recommended to him as such; and whenever there have been several candidates, the said Earl has constantly given the preference to him that he thought would best discharge the office, and most for the honour of the Court, and the advantage of the suitors; and believes that he may, upon some occasions, have declared, "That he thought the then body of Masters as good, with respect both to their estates and ability for discharge of the office, and their integrity, as had been at any time before;" or to that effect; and what he did say to that purpose, he thought to be really true.

"XII. To the Twelfth Article; the said Earl saith, That if there was any such practice as is mentioned in the Article, of paying for the places of the Masters out of the money and effects belonging to the suitors of the Court, he was totally ignorant of it; but admits, that he did not, nor did any of his predecessors that ever he heard or believes, give any particular directions for schedules to be made of the money and effects of the suitors of the Court, to be delivered over to the succeeding Masters; but believes, that, in virtue of the general order of transfer, made of course upon every admittance, such schedules were made between the new Masters and their predecessors, or the representatives of their predecessors; and if the ill consequences in the Articles alledged had followed from such practice, or the not ordering such schedule, which he does not admit, he insists that the same could not render him criminal.

"XIII. In answer to the 13th Article; the said Earl saith, "That after Christmas in the year 1720, he was informed, "That the said Fleetwood Dormer had withdrawn himself to Holland, where he then was;" and thereupon the said Earl used all the properest methods he could, for securing his effects; and particularly directed Mr. Hiccocks and Mr. Rogers, the then two senior Masters of the Court, to make an inquiry into his affairs and accompts, and to consider what would be most proper to be done: And the said Earl believes, that the said two Masters, in pursuance of the directions from the said Earl, did search the chambers of the said Fleetwood Dormer, in Lincoln's Inn, to see what books, accompts, or effects, could there be met with; but found no account whatsoever, nor any effects of value; and did put a stop to the transferring of the stock, then in the name of the said Fleetwood Dormer, in any of the public companies: And the said Fleetwood Dormer's person being thus out of reach, and his accompts and effects wholly unknown, except the stock, which could not be disposed of without his concurrence; a proposal was some time after made to the said Earl, "That the said Fleetwood Dormer might have a promise of his liberty from the said Earl; and upon that condition he would come over, and assign all his effects, and assist in getting them in, and settling and adjusting his accompts:" And the said Earl, seeing no other way open to get any thing for the suitors; and being made to believe that, if any deficiency should happen, the same would be made up by the other Masters; did agree, that in case the said Fleetwood Dormer would come over, and make a full discovery of all his effects, and assign the same for the benefit of the suitors, he the said Earl would allow him his liberty on that condition, and not otherwise; and the said Earl was soon after informed, That the said Fleetwood Dormer submitted to those terms, and would very soon come over, and discover and deliver up his effects: and the said Earl did not doubt but the whole debt upon the said Fleetwood Dormer would be paid. And the said Earl saith, That he does not remember that any any application was ever made to him, by the said Masters of the said Court, for any assistance of the Court, touching the person or effects of the said Fleetwood Dormer, but what he granted, so far as he thought it tended to the benefit of the suitors; and believes that no application was ever made to him by the suitors, or any of them, or any other, to secure the person of the said Fleetwood Dormer, or for compelling him to make satisfaction to the suitors. And the said Earl saith, That he never endeavoured to conceal the true state and condition of the said office from the suitors of the court; nor did any of them apply, till very lately, to the said Earl to look into the same. And further saith, That he remembers nothing of his ever using any such expression as is charged in the said Article at any time before or after he knew that the said Fleetwood Dormer absconded.

"XIV. To the Fourteenth Article; the Earl saith, That Henry Edwards, esq. in this Article mentioned, succeeded to the office of Mr. Dormer, about the 18th day of May 1721; but, by reason of the disorder the said office was then under, and the great danger of a loss therein, the earl had given up and quitted all the advantage which might accrue to him upon the disposal thereof, and left it entirely to the other Masters to raise what money they could thereby: which was agreed to be all applied towards making good any deficiency, or loss, which might happen to the suitors of the Court concerned in that office; and thereupon the sum of 5,000*l.* was raised, by the disposal of the said office to Mr. Edwards, and was applied accordingly: And the said earl believes the debt from William Wilson, in this Article mentioned, was assigned by the said Mr. Dormer to the said Mr. Edwards in trust, and to the intent that he should pay, apply, and dispose of the said debt, or such part thereof as should from time to time be by him got in and received of and from the said William Wilson,

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in such manner as the Court should order and direct, or to that effect; after which said assignment so made, the earl believes that the said Mr. Edwards used great endeavours to obtain payment and satisfaction of the said debt from Mr. Wilson; but, finding all his endeavours fruitless, and that the said Wilson had long before stopped payment, and was in no condition of paying his creditors the whole of their debts, but that he was willing and had offered to come to a composition, and to pay them in proportion the utmost he was able; the said Mr. Edwards thereupon, about the 30th day of June in the year of our Lord 1722, preferred his petition to the said earl, as Lord Chancellor, setting forth in substance the state of the case, as before mentioned; and praying, "That it might be referred to one of the Masters of the Court, to see if such composition, so proposed by the said William Wilson, were for the benefit of the persons entitled to receive the same;" and the same was accordingly, by order of the said earl, referred to Mr. Hiccocks, the then senior Master of the Court, to inquire into, and make his Report therein, and about the 26th day of July then next following, the said Mr. Hiccocks made his report, "That the said William Wilson had, under his hand, in writing, proposed to assign over to the said Mr. Edwards as a composition for, and in full discharge of, the sum of 24,046*l.* 4*s.*, therein mentioned to be due and owing from him to the said Mr. Edwards as assignee of the said Mr. Dormer, the sum of 10,000*l.*, part of a large sum due to the said William Wilson from Edward Poulter of Hackney, gentleman, in this Article mentioned; and to pay the said Mr. Edwards in specie the sum of 1,463*l.* 2*s.* 1*d.*, over and above the sum of 560*l.* then already paid to the said Mr. Dormer, in part of the said composition; and that, upon consideration had of the circumstances of the said William Wilson, and the said several matters, he was of opinion, that the accepting the said composition would be for the benefit of the person or persons entitled to receive the same." Upon which said report, the said Mr. Edwards, about the 3d of August then next, preferred another petition to the said earl, with the said report annexed; and thereby expressly prayed the said earl to order him the said Mr. Edwards to accept of the said composition: Whereupon the said earl, in a proper and usual manner, ordered the same as prayed. And the said earl saith, That he was informed, and believes, that the said composition was made and agreed to, upon a consultation of all or most of the Masters of the said Court, who the said earl did believe, would use their best endeavours to get as much as they could; and the said earl saith, he hath heard, and believes it to be true, that, besides the 1,463*l.* 2*s.* 1*d.*, then paid down, there hath been since got in by Mr. Edwards, on account of the said debt from Edward Poulter, the sum of 1,000*l.* or thereabouts; and that, at the time of the said assignment, the said debt, claimed by Wilson from Poulter, was a just debt, and judgment at law has been since obtained for 18,000*l.* part thereof; and the said Poulter was looked upon to be a substantial person, though, to avoid payment of the said Wilson's debt, which arose on account of their dealings in South Sea Stock and subscriptions in the year 1720, the said Poulter not only brought his bill in Chancery, but, after the same was dismissed, and that he was taken in execution at Wilson's suit at common law, he found means to make his escape out of the custody of the marshal of the court of King's Bench, and to get over to France or Holland, where he still continues, as the earl is informed; but he is likewise informed, that, after the said escape, a commission of bankruptcy was taken out against him by the said Wilson, upon which some effects were recovered; and likewise an action at law brought, and a verdict and judgment for 18,000*l.* and upwards, obtained by the said William Wilson against the marshal, on account of the said escape; and saith, he hath likewise been informed, that the said Edward Poulter, and the marshal have each of them offered considerable sums of money, by way of composition for the said debt; but the said Wilson, from a persuasion of the abilities of the said Edward Poulter to pay the whole, did at first refuse any composition with the said Poulter, and since hath been afraid to make any composition either with Poulter or the marshal: and what may be the consequence thereof with regard to the suitors of the Court, or what further sums of money may be recovered upon account of the said debt towards making them satisfaction, the earl saith, he cannot with any certainty take upon him to answer.

"XV. To the Fifteenth Article; the Earl saith, That, about the month of February in the year of our Lord 1720, he gave orders to his secretary, to write to the several Masters of the Court of Chancery, to bring in their accompts of the cash, effects, and securities, in their hands, belonging to the suitors of the Court; and believes he did so; but denies that the same was done with any unjust purpose, or with any thought to terrify the said Masters to make any contribution towards satisfying the demands upon the said office of Fleetwood Dormer: but believes, what they did contribute they paid freely and voluntarily, and out of their own money; and therein, as the said earl believes, did no more than follow a precedent of the like nature, on the failure of Dr. Edisbury, formerly a Master of the said Court. And the said earl saith, that his real and whole intention, in calling for the said accompts, was to inform himself, in the best manner he was able, of the state and condition of the several offices, and thereby to be the better able to make proper regulations concerning the same: And therefore, though the said Article seems to insinuate as if the calling for the said accompts was dropped as soon as the Masters

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were prevailed on to contribute: the said earl saith, That afterwards and without any regard thereto, he still continued to call for the said Masters' accompts: and, not finding them brought in as he expected, he did, about the beginning of November following, cause another letter to be sent to them, requiring them to bring in their accompts; and, by both the letters sent to them on that occasion, he directed the particular method in which he would have their accompts made up; but the said earl, being afterwards convinced how difficult and tedious a work it would be, and what obstruction it would give to the business of the Court, and that at last it could not be depended upon with any certainty, was forced to lay aside that design, and to content himself with going on in the same road which his predecessors had done; and humbly begs leave to observe, that what has been lately done with respect to the accompts of the said Masters, plainly shews the insuperable difficulties of such an undertaking.

"XVI. To the Sixteenth Article; the Earl saith, That he believes that on or about the 17th of March, 1723, such order was made, as in the said Article is mentioned, for Henry Edwards, esq. to pay Elizabeth Chitty 1,000*l.* part of the money formerly brought before Mr. Dormer; but does not remember that the said Henry Edwards made any complaint thereof to the said Earl; but believes Mr. Edwards, not having then sufficient effects of Mr. Dormer's in his hands, refused payment thereof; and that in July following, Mr. Lochman, in the Articles named, applied himself to the said Earl several times and in a very earnest manner, to help the said Mrs. Chitty to the said 1,000*l.*; alledging, "That he the said Mr. Lochman was to marry her; and that he had made a composition with his creditors, upon which 1,000*l.* was to be paid in a very short time, which he then mentioned; and that he the said Mr. Lochman was to have the said 1,000*l.* for that purpose; and that if he had it not by the time, the composition would be void, and he should be utterly ruined;" and at length the said earl, being greatly moved by the pressing importunities of the said Mr. Lochman, and by compassion for the very great distress in which he then appeared to be, did promise to supply him with the said 1,000*l.* out of his own pocket; and accordingly directed Mr. Cottingham, then his secretary, to pay it, taking from the said Mrs. Chitty an assignment of the benefit of the said order; and believes the same was done accordingly; and that upon Mr. Lochman's pressing for a further sum for the said Mrs. Chitty, for her own use, the said Earl might tell him, "That the said 1,000*l.* was all that he must expect from the said Earl;" and the said Earl does not believe that he had any discourse with the said Masters, to persuade them to pay the said 1,000*l.* to Mr. Lochman.

"And as to the last branch of the said Article; the said Earl saith, That the fact was, that one Jackman having, in the cause in the Article mentioned, been confirmed the best purchaser of part of the estate of T. Harper, at the price of 260*l.* so long ago as the 19th of December, 1717; and it being at the same time ordered, "That the writings belonging to such estate should be delivered to his counsel, and that the tenants should attourn to him, on his bringing his purchase-money before Mr. Dormer, then one of the Masters;" and the said money having been brought before the said Master the 24th day of December, 1717, and the tenants having attourned to Jackman; but the conveyances not being then executed, though long before approved; a motion was made in the Court of Chancery, before the said Earl, on the fifth day of December last, "That all parties might execute the conveyances, and the 260*l.* be paid to the plaintiff, towards satisfaction of a demand she had out of the estate of the said Harper;" and those that were to have the residuum of the said T. Harper's estate insisted, "That they were always ready to join in the conveyances, if the purchase-money were applied to discharge the rest of the estate; that they were apprehensive of a deficiency of Mr. Dormer's estate; and therefore neither they nor the plaintiff ought to be sufferers by such deficiency, the delay having been occasioned by the purchaser, and not by the plaintiff; and therefore scrupled executing the deeds, unless upon payment of the money to the plaintiff, and discharging the rest of the estate therefrom:" And this being the first time that any question relating to Mr. Dormer's deficiency had been laid before the Court by any of the suitors, the said Earl took notice of its being so; and believes he might express himself to this effect, "That he had indeed heard of the said Dormer's deficiency; but that it had never yet come judicially before him, upon complaint of any of the suitors of the Court;" and further declared, "That if there should be any deficiency in his office, several circumstances had concurred thereto, as Wilson's the banker's stopping payment, greatly indebted to him; Poulter's going away in Wilson's debt 18,000*l.* and upwards, after a verdict and judgment at law, and Poulter in actual execution for it; and that, as he had heard, Wilson had then lately brought an action of escape against the marshal, and recovered a verdict against him for the like sum; and how all these matters would at last come out, the said Earl said, he did not know;" or he expressed himself to that effect, and no other; and thereupon ordered, "That it should be referred to Mr. Edwards, to examine whether the said 260*l.* was deposited with Mr. Dormer for the benefit of any particular person, and whom and what was the occasion of the delay, that the said conveyances were not executed, and the said 260*l.* purchase-money paid out, before the year 1720; and whether there was likely to be a loss of any money deposited with the said Mr. Dormer; and that

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upon the Master's report, such further order should be made, as should be just." And the said Earl hopes the said order was very proper and necessary; and takes the liberty of representing to your lordships, that this was after the accompts of the Masters had been laid by the said Earl before the Lords of the Council, and had been for some time under the consideration of the judges and others, appointed by his Majesty to inspect the same.

"XVII. To the Seventeenth Article; the Earl saith, "That he never endeavoured to conceal the deficiency occasioned by Mr. Dormer's failure; but, as the said earl was under a full persuasion that the same would all in due time be made good; and as Mr. Dormer's effects were coming in by degrees, and no application was made to him, by any of the persons concerned, to put a stop to or any restraint upon the payments; he did not think it incumbent upon him, *ex officio*, to make a declaration of an average: And the said Earl saith, That he does not know that any order was made by him, for Mr. Edwards to pay any money that had been lodged with Mr. Dormer, except the order aforementioned in the case of Chitty; but believes several orders have been made by the Court for that purpose; and that the said Mr. Edwards, under a firm persuasion that the whole deficiency would be made good, paid out the whole sums so ordered, so far as the money then in his hands would extend.

"XVIII. To the Eighteenth Article, the said Earl saith, He never knew how the Masters kept or disposed of the money and effects belonging to the suitors of the Court; and as he believes that after Dr. Edisbury's failure, the then Lord Chancellor, so he knows that after Mr. Dormer's misfortune the said earl, thought of several methods to prevent any inconvenience upon the like accident for the future; but they had both the same misfortune, not to bring any of them to such perfection, as to venture to put them in practice.

"That several proposals were made to him by the persons he consulted upon that occasion, but none that he believes, it will be held criminal not to have then established. Some things were proposed that he thought impracticable, some insufficient, some inconsistent with that complete regulation he hoped to make. The objects he proposed to himself were, to provide for whatever deficiency might happen in the office late of Mr. Dormer, to secure the suitors from any future loss, and to make several regulations relating to the offices of the Masters; and he thought these would be best done together; nor had he perfected the scheme of any one of them to his own satisfaction; he remembers no proposal, that he thought would take it totally out of the power of the Masters to dispose of the securities or effects, or effectually secure the cash. The said Earl admits, that he did not demand any security to be given by any of the said Masters at the time of their admittance, because it had not been done by his predecessors, who were much wiser men than himself; nor was he so much as asked, by any of the parties interested, so to do: As to what the said Earl did with relation to the accompts of the said Masters, he hath already set forth; and saith, That he gave no permission nor encouragement to the masters of the court, to employ or traffic with the suitors money for their own gain or profit. He owns that with respect to the securities in the hands of the Masters, he made no general order; and thinks it the less material, because, notwithstanding what is alledged in the close of this Article, he believes all the present Masters did, in December last, produce all the securities in their hands, and the Court of Chancery hath since secured the same for the benefit of the suitors.

"XIX. To the Nineteenth Article; the said Earl saith, That, upon great consideration of Mr. Dormer's deficiency, and of the danger there might be of further inconveniences with relation to the money and effects in the hands of the Masters, and of several disputes and differences that had arisen in the Court of Chancery, and of some applications of the said Masters for establishing them in their just rights, and of some practices of the Masters which the said Earl thought ought to be reformed; he was convinced, that the same was a work of too great a consequence for him singly to attempt; and, being highly sensible of his most sacred Majesty's paternal goodness to his people, did presume humbly to beseech his Majesty, as the fountain of justice, to depute some of his most honourable privy council, to take the matters aforesaid into consideration, in order to the establishing such regulations, as might tend to the honour of that high Court, and to the advantage of his Majesty's subjects being suitors there; which request his Majesty, out of his wonted goodness, was pleased to receive very graciously, and named several lords, and other honourable persons of his privy council, to be a Committee to take the same into consideration; and, pursuant to his Majesty's command, the said Committee met, and began with the accompts of the said Masters; wherein the said Earl begs leave to appeal to such of your lordships who attended in that Committee, whether he did not contribute to the utmost of his power, to have every thing done which the said Committee thought expedient; And the said Earl saith, That he made all such orders as were by them judged requisite; and so pressed the execution thereof, that not only the accompts of all the Masters then in being were brought in, but all the securities in all their hands; and the cash of most of them were actually lodged in the Bank of England; and therefore the said Earl is greatly surprised to find himself charged with obstructing the taking those accompts which he had thus desired might be taken, and contributed to the taking of them with all his power: And the said Earl saith,

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That he never thought of preventing a parliamentary inquiry, any otherwise than by making it unnecessary, and procuring to the suitors a full redress of all their grievances, and rectifying whatever he found amiss; and that he looked upon to be his duty; and begs leave to say it here once for all, in answer to all the several insinuations of that kind contained in the Articles.

"And the said Earl further saith, That, while the said Accompts were taking, every one of the said Masters declared over and over, "That they had effects sufficient to answer their whole accompts;" and the said Earl firmly believed the same to be true; and as all of them that he saw (which he believes were all, or at least all but Mr. Kynaston) had told the said Earl, "That they were able to answer their accompts;" and when they brought their accompts to the said Earl, for him to lay before the said Committee, Mr. Holford had wrote under his accompt some declaration to that effect; and some others of them, as he remembers, had made use of some other expressions, which he thought not so proper, and some, as he believes, had wrote nothing (but he cannot distinguish the persons): And the said Earl thinking that, when the said accompts came to be laid before the Committee of council by him, it would be proper that the same thing should be declared to the Committee, which had been said to him singly; he advised them all to write the same words under their accompts; and did tell them, in great sincerity and friendship, "That, at a time when so many men's mouths were open against them as insolvent, it would be for their honour and interest to make it appear that they were able and sufficient, as he then believed them to be;" but never thought of a contrivance to have them deceitfully appear or seem what they really were not; and he says, they did then withdraw to make the subscription, or at least so many of them whose accompts were then ready, and soon after delivered them to the said Earl, who carried them with him to the Committee of council, whither he was then going, without looking upon them; but, upon reading them at the council, it was observed, that they had not all used the same words, having varied considerably; but what any of the subscriptions were, he cannot take upon him to set forth.

"And the said Earl further saith, That a subsequent order being made by the said Earl, for the said Masters to produce their securities and their cash, before the persons appointed to inspect their accompts, they made great complaint, that so many hundred thousand pounds should be required at so short a warning; and some of them, saying, "that though they had effects sufficient, and could raise the whole if they had a little time," desired the said Earl to allow them further time for that purpose: But the said Earl saith, That he required them to bestir themselves, and raise it immediately, telling them, "that, since they had effects to give security, they might find friends to furnish the money;" and believes he did say, "That some of their own brethren might perhaps be able to let them have money, till they could raise it another way."

"But if any of them did supply others with cash or effects to produce, only to make a false shew and appearance of their ability and readiness to answer the balance of their accompts, the said Earl knows nothing of it, and is sure they had not the least encouragement from him so to do.

"XX. To the Twentieth Article; the said Earl saith, That it never entered into his thoughts to make use of, nor did he ever make use of, any of the money belonging to the suitors of the court, for his own private advantage; but believes that, in December 1720, having occasion for the sum of 1,500*l.* and asking his secretary Mr. Cottingham, "Whether he could lend him the same?" he said, 'He could not, but would procure it for him;' and accordingly borrowed the same from Mr. Godfrey, one of the Masters of the said Court; and the said Earl gave his own note for payment thereof to the said Mr. Godfrey; and in February following re-paid 1000*l.* part of the said principal sum; but in the same month of February 1720, upon a fresh occasion, borrowed again part of the said 1000*l.* so paid back, and a note or notes were given for the payment thereof; and some time after, the said Earl ordered the whole money borrowed of the said Mr. Godfrey to be paid, with all the interest due for the same; and the said Godfrey received the principal, but would not be prevailed upon to take the interest, or any part thereof: And the said Earl saith, That all the said money was repaid within the compass of a year after it was borrowed; and the said Earl declares, That he never received or borrowed any sum or sums of money whatsoever of any of the Masters of the said Court, except as above set forth.

"XXI. To the One and Twentieth Article; the said Earl saith, That, upon the strictest review of his own behaviour during the time he had the honour of serving his most sacred Majesty in the office of Lord Chancellor, he is not conscious to himself that he ever did, in any illegal or arbitrary manner, extend his power, or the power of the Court, beyond their lawful and just bounds; or that he did arbitrarily or illegally assume to himself, as Lord Chancellor, or by colour of his office, any unjust and unlimited power of dispensing with, suspending, or controuling, the laws or statutes of this realm; or that he any ways oppressed the suitors of the Court, or was guilty of any breach or violation of the rights or liberties of the subject, or of his own oath as Lord Chancellor: And with regard to the particular complaint against him in this Article; the said Earl saith, That Rachael Tyssen, in the Article named, as the Earl is informed, caused a bill to be exhibited in the Court of Chancery, in the name of

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her son and daughter, in the said Article likewise mentioned, by their prochein Amie, against herself, and the said John Tyssen and others, to have the trusts in the will of her late husband duly performed; and the same was brought to hearing, at the Rolls, the seventh day of July 1718; and, by the decree then made, it was, amongst other things, ordered, upon the prayer (as the said Earl hath heard and believes) of the counsel employed by the said Rachael Tyssen, 'That a receiver should be appointed, of the rents and profits of the real estate, who was to have a salary allowed him, and power to let and set the said estate, as there should be occasion, with the approbation of the Master to whom the cause was referred:' And the said Earl saith, That, in execution of that part of the decree which directed a receiver to be appointed, the Master having certified, 'That he had appointed John Nicholas esquire to be the receiver of the rents and profits of the said estate;' the said John Tyssen, thinking himself aggrieved thereby, did, in the usual course of proceedings in the said court, cause exceptions to be filed against the same; and, upon the arguing thereof before the said Earl by counsel of both sides, affidavits were read, to shew 'That the said John Nicholas was an improper person; that the said testator had declared in his life-time, that the said John Nicholas, by name, should not have any thing to do with the management of his estate; and that a considerable part thereof consisted in old houses and water-works.' And the said Earl, upon a full hearing of both parties, was of opinion, that the said John Nicholas ought not to be appointed the receiver; and, upon the proposal of the said John Tyssen, then in court, ordered Robert Doyley esquire to be receiver, he giving security to be approved of by the said Master; which order was made, as he believes, on the fifteenth of January in the year 1718, and affirmed upon the re-arguing the same exceptions on the 6th of March 1718; since which time, the parties interested have never thought fit to complain thereof to your lordships by appeal, in order to have it reversed, as mistaken or unjust, though now the making thereof is complained of as a crime. And the said Earl is not ashamed to own, that he was very well acquainted with the said Robert Doyley for some years before the said order, and believed him to be a person of great honour and integrity, application and exactness; and believes there are several persons of distinction, to whom he had the honour to be known, who had the same opinion of him; but the said Earl did not appoint him receiver because of his own respect for him, but because he was named by the said John Tyssen, who was uncle of the said infant, and executor of his father's will, in trust for him, and by the same will appointed his guardian, in case of his mother's death or marriage, and to whom the said testator had devised the said estate in case of the death of the said infant without issue male, and whose interest it therefore was to take care of the infant's interest in that particular; and the said John Tyssen and sir Cæsar Child (whose daughter the said John Tyssen had married) had such confidence in him the said Robert Doyley, that, upon the 18th day of March 1718, they entered into a recognizance, together with him, in the penalty of 7,000*l.* for the said Robert Doyley's duly accounting for and paying the money he should receive out of the said infant's estate: And the said Earl saith, That no complaint was ever made to the said Earl against the said Robert Doyley to the time of his death; but he owns that he hath heard, that, upon the Masters stating the accounts since Christmas last, there does appear due from the said Robert Doyley about 2,500*l.* or 2,600*l.*; but believes there is not any fear or doubt but that the same is very well secured by the said recognizance.

"And the said Earl saith, That he does not remember the particular expressions used by the counsel, or himself, upon arguing or re-arguing the said exceptions; but he cannot believe that any counsel of great ability and experience in the said Court would have thought what the said Earl did extraordinary, much less would have used such an expression to the said Earl as in the Articles, which is an indecent censure of his proceedings; and here being a decree in this case, approved of by all parties, 'That a receiver should be appointed to receive the rents and profits of the infant's estate,' the said Earl is at a loss to understand how the fixing on the person to be the receiver, upon good security to account for and pay the same for the infant's use, is reviving the Court of Wards, whose business it was to take the rents and profits of the infant's estate for the King's use, without accounting for any of them to the infant, but barely providing a maintenance for him, at the discretion perhaps of some grantee of the custody.

"Thus the said Earl has laid his case before your lordships; and doth further, for Answer to all the said Articles, say, That he is not guilty of all or any of the matters contained in the said Articles, or any of them, in manner and form as they are therein charged against him: And the said Earl doth further insist upon the benefit of his Majesty's most gracious and general free pardon, granted to all his subjects (not therein excepted,) in and by an act of parliament for that purpose made, in the 7th year of his Majesty's reign, in bar of, and in his defence against, his said Impeachment, and the said Articles exhibited in maintenance thereof, and all and every the proceedings thereupon, so far as the same extend to any neglect, offence, or misdemeanor, or supposed neglect, offence, or misdemeanour, or any other act, matter, or thing; suffered, done, or committed, or omitted, by him the said Earl, before the 24th day of July in the year 1721; and doth humbly insist, that no evidence ought to be given against him, for or concerning any of the matters or things aforesaid, in and by the

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said act pardoned, or any of them; and doth aver, that he is not within any of the exceptions in the said act contained.

MACCLESFIELD."

The lord Delawarr reported from the Lords Committees appointed to inspect the Journals of this House, in relation to the proceedings on Impeachments for High Crimes and Misdemeanours: 'That the Committee have inspected the Journals of this House, as to the said proceedings; and find, that the method has been, on delivering in of an Answer to Articles of Impeachment, to order a Copy thereof to be prepared; and, after the same hath been carefully examined by the Clerk, it be sent by Message to the House of Commons; and that, upon the Replication of that House to such Answer, the Lords have always appointed the time and place of Trial.'

Which Report being read by the clerk: It is ordered, That a copy of the said Answer be prepared; and when the same hath been carefully examined by the Clerk, it be sent by Message to the House of Commons.

The King's Message relating to the Civil List Debts.] April 8. Mr. R. Walpole acquainted the House, That he had a Message to this House from his Majesty, and he delivered the same to Mr. Speaker, who read the same to the House, as follows, viz.

"George *R.*

"The necessities of his Majesty's government having rendered it impracticable for his Majesty to make any considerable retrenchments in the expences of his Civil List; and having engaged his Majesty in some extraordinary expences, which, he is persuaded, his loyal Commons will believe have been employed, not only for the honour and dignity of the crown, but for the interest and prosperity of his people; his Majesty hopes, from the known zeal and affection of this Parliament to his person and government, that he may be enabled to make use of the Funds, lately settled for the payment of the Civil List Annuities, and for replacing the same to his Majesty, in the most advantageous manner, and upon the credit thereof to raise a sum of money sufficient to redeem those Annuities, and to discharge the present debts contracted in his civil government."

Hereupon it was resolved to take his Majesty's most gracious Message into consideration the next day, in a Committee of the whole House; and, in the mean time, Mr. Scrope, by his Majesty's command, presented to the House, An Account of the Debts upon the Civil List, at Michaelmas 1724, and also, An Account of the Payments into the Exchequer upon the deductions of Sixpence in the Pound, for the year ending at Lady-day, 1725. And the said Accounts being read, were severally ordered to be referred to the consideration of the said Committee.

Debate on the Civil List Debts.] After the reading of these Papers,

Mr. *Pulteney* took notice, That it was not long since (viz. July, 1721), a Fund was given to discharge the debts of the Civil List; and therefore it was matter of surprize, that so many new ones had been contracted in so short a time; that if things were carried on at this rate, there would be no end of it; that it was incumbent upon them to enquire into the causes of this growing evil; and therefore moved, "That an Address be presented to his Majesty, that he would graciously be pleased to give directions, that the proper officer or officers of the Exchequer, Excise, Customs, and Post-Office, do lay before the House an Account of all Monies which have been issued and paid out of the said Offices to any person or persons on Account, for the Privy Purse, Secret Service, Pensions, Bounties; or any sum or sums of money to any person or persons whatsoever without account, from March 25th, 1721, to March 25th, 1725." And being backed by several members, the said Address was voted accordingly.

April 9. A motion being made for the Speaker to leave the chair, that the House might go into a Grand Committee, to consider of his Majesty's Message about the Debts of the Civil List,

Mr. *Pulteney* represented, That the House having ordered an Address to be presented to his Majesty, for several papers relating to the Civil List and other expences, they ought, in his opinion, to put off the consideration of his Majesty's Message, till those Papers were laid before the House; it being natural to enquire into the causes of a disease, before one applies remedies to it. Mr. Yonge, Mr. H. Pelham, and Mr. R. Walpole, having opposed it, Mr. Pulteney said, "He wondered how so great a debt (viz. 508,367*l.* 19*s.* 4*d.*) could be contracted in three years time, but was not surprized some persons were so eager to have those deficiencies made good, since they and their friends had so great a share in it. And desired to know whether this was all that was due, or whether they were to expect another reckoning?"

To this no direct answer was given; but in general, it was said, "That there was, indeed, a heavy Debt on the Civil List, and a great many Pensions; but that most of these had been granted in king William's and queen Anne's reigns, some by king Charles the Second, and very few by his present Majesty. That since the Civil List was first settled for his Majesty, an expence of about 90,000*l.* per annum had happened, which could not then be foreseen, and therefore was left unprovided for: That upon examination of the Account given in of the Civil List Debts, it would appear, that most of those expences were either for the necessary support of the dignity of the crown and government, or for the public good: That there was, indeed, a pension of 5,000*l.* of another nature, viz. upon account of the Cofferer's

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Place, but which could not well be avoided; for both the lord Godolphin, who was in that office, and his father, had so well deserved of the government, that they could not handsomely remove him without a gratuity; and therefore they gave his lordship a pension of 5,000*l.* to make room for the worthy gentleman, (meaning Mr. W. Pulteney) who now enjoys that post."

Then the Commons, in a Grand Committee, took his Majesty's Message into consideration, and a motion was made, "That for the redeeming the Annuities of 25,000*l.* per annum, charged on the Civil List Revenues, by an act of parliament of the 7th year of his Majesty, and for discharging the Debts and Arrears due from his Majesty to his servants, tradesmen, and others, his Majesty be enabled to raise any sum, not exceeding one million, by Exchequer Bills, Loans, or otherwise, on the credit of the deductions of sixpence per pound, directed by the said Act of the 7th year of his Majesty's reign, and of the said Civil List Revenues, at an interest or rate not exceeding 3*l.* per cent. per annum, till repayment of the principal."

This motion occasioned a farther debate; but the question being put, it was resolved in the affirmative, by 239 votes against 119. This Resolution being the next day reported, was agreed to by the House, and a Bill was ordered to be brought in thereupon.

Bill for regulating Elections in London.] April 13. A Bill 'For regulating Elections within the City of London, and for preserving the Peace, good order and government of the said City,' being read the third time, it was proposed to ask the Opinion of the Judges, Whether this Bill does repeal any of the prescriptions, privileges, customs, or liberties of the city of London, restored to them, or preserved by the Act passed in the 2nd year of king William and queen Mary, for reversing the judgment in a Quo Warranto against the city of London, and for restoring the said city to its ancient Rights and Privileges; which being objected to, and debate had thereupon, the question was put, Whether the Judges shall deliver their Opinions upon the said proposed question; it was resolved in the negative, by 83 against 24.

Protest relating thereto.]

"Dissentient'

1. "Because it being enacted and declared by the act mentioned in the question, that the mayor, commonalty and citizens of London, shall for ever hereafter remain, continue, and be, and be prescribed to be, a body-corporate, *in re, facto, et nomine*, by the name of mayor, and commonalty and citizens of the city of London, and shall (as by law they ought) peaceably enjoy all and every their rights, gifts, charters, grants, liberties, privileges, franchises, customs, usages, constitutions, prescriptions, immunities, markets, duties, tolls, lands, tenements, estates and hereditaments whatsoever, which they had (or had a right, title or interest in or to) at the time of giving the said judgment; and we being apprehensive, that the alterations made by this Bill in the constitution of the common-council, and other ancient rights, franchises and prescriptions of the city, may utterly abolish the ancient legal title of the city to their rights, franchises, prescriptions and constitutions in the particulars contained in the said Bill; and may, in consequence thereof, work a total change of the whole ancient constitution of the corporation of the said city, or greatly confound or prejudice the same, which has stood for so many ages upon the foundation of its ancient title, rights, and prescriptions, confirmed by many grants made by his Majesty's royal progenitors, and by many acts of parliament; all which were restored so soon after the happy and glorious Revolution, and which have been peaceably enjoyed to the present time: We are of opinion, that the solution of the said question, by the judges, must have tended greatly to the necessary information of the House, and to their better judgment, upon a Bill of so great importance, as well as to the satisfaction and quiet of the citizens of London, who, so far as we can collect from the petitions against the Bill, are greatly alarmed at the consequence thereof; and we are of opinion, that it was the more necessary and the more consistent with the wisdom of this House, to be informed of the law by the judges, upon the question proposed, because we do not find in this Bill any saving or confirmation of any of the ancient titles, rights, prescriptions, privileges or franchises of the said city, restored to them by the former law.

2. "We think the question ought to have been proposed to the judges, the rather because the opinions of several counsel were admitted to be read at the bar of the Committee of the whole House in favour of the said Bill.

(Signed) Bathurst, Lechmere, Coventry, Wharton, St. John de Bletsoe, Bristol, Bingley, Strafford, Abingdon, Bruce, Foley, Gower, Litchfield, Montjoy, Arundell, Fran. Cestriens'."

Protest against passing the said Bill.] Then after farther debate, the question was put, whether this Bill, with the Amendments should pass? It was resolved in the affirmative, by 79 against 27.

"Dissentient'

1. "Because we apprehend, that the penalty of 200*l.* upon the officer presiding at wardmote-elections, as well as at elections even for members of parliament, is so small, that it may be construed into an indemnification, and be looked upon rather as an encouragement than a restraint, by a wealthy, partial and arbitrary officer; at least, we are of opinion, that such a one will not be sufficiently deterred by it from returning such candidates as he likes, rather than such as the city chooses; and if ever that melancholy case should happen, we fear neither the candidates nor voters will be able

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to find an effectual method of doing justice for so flagrant an injury, either to themselves or to the nation.

2. "Because we cannot but think, from the evidence given at the bar, that this Bill will take away from many citizens their right in voting in wardmote-elections, by giving an exclusion to all that inhabit houses under 10*l.* a year, even though they pay all parish-duties, or 30*s.* in lieu of them; which we conceive an unjustifiable hardship upon those who may have long enjoyed that right, and have had no crime objected to them, much less proved, as we think it ought to be, before they can justly be deprived of it.

3. "Because, by this Bill, no act is to pass in common council for the future (except what relates to the nomination of some few officers) without the assent of the major part of the mayor and aldermen present in such common council; which, we conceive, will give too great an addition of power to the mayor and aldermen, who have already many and large prerogatives incontestably allowed them by the commonalty of the city; and though the counsel for the Bill insisted that the mayor and aldermen had anciently that right which this Bill establishes, yet the proof of that right appeared to us so remote and obscure, that we own ourselves too short-sighted to discern it; and on the other side it appeared plain to us, that even from the time of incorporating the city to this present time, such a claim has very seldom been made, and that it has never been acknowledged; and therefore, we conceive, if there be any foundation for such a right (which we are far from thinking there is) the dispute should be decided first in the inferior courts of justice, and rather determined in the House of Lords upon an appeal, than ended by an act of parliament; which seems to us such a method of determining controversies of this nature, as may prove of the most dangerous consequence to the rights and properties of all the subjects of Great Britain.

4. "Because this Bill abolishes the custom relating to the distribution of the personal estates of free citizens; which is a custom not only of great antiquity, but seems to us to be wisely calculated for the benefit of a trading city, and has been acquiesced under for so many years, without the least complaint of any one free citizen that we ever heard of; that the taking it away in this manner cannot but appear to us too rash and precipitate, and may too probably, in our opinion, be very detrimental to the true interest of this ancient, populous, loyal and hitherto flourishing city, the preservation of whose good order and government the Bill itself, very justly and judiciously, allows to be of the greatest consequence to the whole kingdom.——*(Signed)* Scarsdale, Strafford, Bristol, St. John de Bletsoe, Boyle, Bathurst, Bingley, Berkeley de Stratton, Compton, Bruce, Craven, Weston, Montjoy, Foley, Exeter, Wharton, Fran. Cestriens', Arundell, Abingdon, Litchfield, Gower, Uxbridge."

For the foregoing Reasons and these that follow, viz.

1. "Because we are of opinion, that the several great alterations made by this Bill in the ancient constitution of the common council, and other the rights, franchises and prescriptions of the city of London, will, if passed into a law, entirely subvert and destroy the ancient title which the city at this time lawfully claims, and has, thereto: and will introduce and enact a new constitution upon the city, hereafter to be claimed and enjoyed, not upon the foundation of their ancient title, but of this act of parliament; which must, as we conceive, in all future times, whenever the city of London may have occasion to assert or defend their ancient title and franchises, bring them under insuperable difficulties, and may be followed with dangerous consequences concerning the very being and constitution of the corporation, many of which it is impossible to foresee or enumerate,

2. "We are of opinion, that the new constitution of the common council enacted by this Bill, whereby a negative is declared and given to the mayor and aldermen, not only in the making of bye-laws for the government of the city, but in other acts concerning the issuing and disposal of the treasure of the city, and also of the seal of the city, whereby their lands and other estates are subjected to the said negative, and in all other acts and powers at this time, as we conceive, belonging to the common council, excepting only the appointment of some few officers mentioned in the Bill, is a dangerous innovation upon the ancient constitution of the city, unsupported by any evidence offered at the bar, and though in late times mentioned to be claimed, yet contrary, as we conceive, to a clear, uninterrupted and convincing proof of the exercise of the powers and authorities of the common councils of all ages, to the 29th of January, 1723: And we conceive the alteration made by the Bill in this respect to be the more unwarrantable, because the written evidence offered to support the claim of a negative by the mayor and aldermen, was either conceived in general terms unapplicable to that claim, and not maintained by subsequent practice, or was drawn from proceedings in times of trouble and confusion.

3. "We are of opinion, that the extraordinary power, given by this Bill to the mayor and alderman, will vest in them new exorbitant authorities over all the citizens, their rights, liberties and franchises of all kinds, inconsistent with that balance of power in the city, by which the same have been preserved, and in the future exercise thereof, must, as we conceive, lay the foundation of constant and lasting disputes, divisions and distractions in the City of London.

4. "We think this Bill is the more dangerous, because it creates a new constitution in several particulars contained in it, not framed upon the ancient rights proved or pretended to, or disputed on either side, but is a new model

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without due regard to the antecedent rights as claimed by either side, and will deprive a great number of citizens of their ancient rights and franchises in elections and otherwise, without leaving them any opportunity of asserting the same by due course of law, and is a precedent of the most dangerous consequence to all the cities and corporations of this kingdom.

5. "We are of opinion, that the abolition of the ancient custom of the city touching the personal estates of freemen, is a dangerous innovation, tending to let into the government of the city persons unexperienced and unpractised in the laudable and beneficial trade of the city and kingdom, and unfit for the magistracy of the city, and may thereby introduce improper and pernicious influences over the citizens; and we think that the strength, riches, power and safety of the city of London have been hitherto, in a great measure, supported by this and other customs of the city, as the walls thereof, and we fear, that the decay of trade, and with that, of the grandeur of the city of London, and the diminution and loss of the great excises and duties arising from the trade of the city, on which the support of his Majesty's government so much depends, may be the consequence of the abolition of this ancient custom and privilege of the freemen of the city of London.

6. "Because we are of opinion, that the Petition of the many thousand freemen of the city against this Bill ought to be a far greater weight against this Bill, than the petition of fifteen aldermen for it; and that the confusion which may arise from this Bill, if passed into a law, may tend greatly to the future disturbance of his Majesty's wise and gentle government.

(Signed) Wharton, Strafford, Coventry.

The Civil List Bill passed.] April 16. A Bill, For redeeming the Annuities of 25,000*l.* per annum, charged on the Civil List Revenues by an act of the 7th year of his Majesty's reign, and for discharging the Debts and Arrears due from his Majesty to his servants, tradesmen and others, being read the first time, a motion was made, That an Address be presented to his Majesty, that he will be pleased to give directions, that the proper officers of the Exchequer, Excise, Customs, and Post-office do lay before this House an account of all moneys which have been issued and paid out of the said offices, to any persons on account, for the privy purse, secret service, pensions, bounties, or any sums of money to any persons whatsoever without account, from the 25th of March 1721, to the 25th of March 1725; which being objected to, after debate, the question was put, whether such an Address shall be presented to his Majesty; it was resolved in the negative: whereupon the following lords entered their dissent, viz. Lechmere, Strafford, Fran. Cestriens', Warrington, Bathurst.

Protest against passing the same.] April 19. The said Bill being read the third time, and a motion made, That the Bill do pass, it was resolved in the affirmative.

"Dissentient'

"Because this Bill is to raise a great sum of money, which will, as we apprehend, become a burthen upon the public, and increase that immense load of debt, which is already above fifty millions, and therefore, in our opinions, requires the utmost application to diminish it, and cannot but give us the most melancholy prospect, whenever, especially in a time of peace and tranquillity, we find any addition is made to it; and since his Majesty's revenue, when first settled, was thought sufficient by the parliament to answer all the necessary expences of his civil government, and is larger as we conceive than that of his predecessors; and since that revenue has once already, and not long ago received an aid of the like sum, we think we are fully justified in expecting an account of the reasons of contracting so great a debt; and because that was refused to be laid before us, we are of opinion, we cannot discharge our duty to our country, if we should thus, uninformed, and in the dark, give our consent to this Bill, which being the second of this kind within a short compass of time, we apprehend, may prove of the more pernicious example.——*(Signed)* Strafford, Bruce, Boyle."

Lord Finch offers to the Commons a Petition of Henry late Lord Viscount Bolingbroke.] April 20. The Lord Finch, having offered a Petition of Henry St. John, late viscount Bolingbroke, to be presented to the Commons, Mr. R. Walpole acquainted the House, That he had received his Majesty's commands to acquaint the House, That the Petitioner had, seven years since, made his humble application and submission to his Majesty, with assurances of duty, allegiance, and fidelity, which his Majesty so far accepted, as to give him encouragement to hope for some future marks of his Majesty's grace and goodness; and that his Majesty is satisfied that the Petitioner's behaviour has been such as convinces his Majesty that he is an object of his Majesty's mercy, and his Majesty consents that this Petition be presented to the House.

Then the said Petition was brought up and read, setting forth, "That the Petitioner is truly concerned for his offence, in not having surrendered himself, pursuant to the directions of an act of the first year of his Majesty's reign, whereby the Petitioner was attainted of high treason, and forfeited all his real and personal estate,* and by reason thereof hath suffered very great losses: that upon the Petitioner's marriage in 1700, sir Walter St. John, bart. and the lord viscount St. John, the Petitioner's grandfather and father, together with the Petitioner, made a settlement of their family-estates in the counties of Wilts, Surrey and Middlesex, all which premisses, except a very

* See vol. 7. p. 137.

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small part thereof, are now in the possession of the Petitioner's father, and the Petitioner cannot become intitled thereto for his life, until after his father's decease: That the Petitioner hath, in most humble and dutiful manner, made his submission to his Majesty, and given his Majesty the strongest assurances of his inviolable fidelity, and of his zeal for his Majesty's service, and for the support of the present happy establishment, which his Majesty hath been most graciously pleased to accept; and praying, That leave may be given to bring in a Bill for enabling the Petitioner, and the heirs male of his body, notwithstanding his said Attainder, to take and enjoy the said settled estate, according to the limitations of the said settlement, or other assurances therein mentioned; and for enabling the Petitioner to hold and enjoy any personal estate or effects whereof he now is, or hereafter shall be possessed, and to invest the same in the purchase of any real or personal estate within this kingdom."

Debate thereon.] After the reading of this Petition, the lord Finch moved, that a Bill be brought in according to the prayer of the late viscount Bolingbroke's Petition. This motion was seconded by

Mr. R. *Walpole*, who having repeated part of what he had before laid before the House by the King's command, in the petitioner's behalf, added, That he was fully satisfied, that he had sufficiently atoned for his past offences, and therefore deserved the favour of that House so far, as to enable him to enjoy the family inheritance that was settled upon him; which according to the opinion of the best lawyers, he could not do by virtue of his Majesty's most gracious pardon, without an act of Parliament.

This was confirmed by sir Philip Yorke and sir Clement Wearg. Then

Mr. *Methuen* stood up, and strenuously opposed the lord Finch's motion; he said, That as he had the honour to be one of the King's immediate servants, it might, perhaps, by some be thought unbecoming his station, to appear against a Petition, to the presenting of which his Majesty, in his royal clemency and goodness, had graciously been pleased to give his consent: but that being at liberty to follow the dictates of his conscience in this matter, he would freely declare his opinion, that the public crimes for which this Petitioner stood attainted, were so heinous, so flagrant, and of so deep a dye, as not to admit of any expiation or atonement; and whatever he might have done to deserve his Majesty's private grace and pardon, yet he thought him altogether unworthy of any national favour. Hereupon Mr. Methuen instanced the late lord Bolingbroke's scandalous and villainous conduct, while he had a share in the administration of affairs in the last reign. How he was the principal adviser of, and actor in, the wicked measures that were then pursued; his clandestine negociation of peace without the privity of the queen's allies, contrary to the express tenor of the grand alliance; his insolent behaviour towards all the confederates in general, and the Dutch in particular, his sacrificing the interest of the whole confederacy, and the honour of his own country, particularly in the base abandoning of the poor and brave Catalans: a transaction which with he had an opportunity to be intimately acquainted, as having had the honour, at that juncture, to serve the nation as the Queen's Minister in Portugal; and to sum up all his crimes in one, his traitorous design of defeating the Protestant Succession, the foundation of both our present and future happiness; and of advancing a Popish Pretender to the throne, which would have involved his native country in endless misery.

Mr. Arthur Onslow, lord William Paulet, sir Thomas Pengelly, and Mr. Gybbon supported Mr. Methuen.

Serjeant *Miller* hereupon said, That he was against the motion for three reasons, 1. Because he thought it against the interest of the King. 2. Against the interest of his country. 3. Against the interest of the present ministry. That he loved the King better than he loved himself; and hated his enemies more than he did: that he loved his country as he loved himself; and as he thought its interest inseparable from the King's, so he would not have any public favour shewn to one, who had acted in so notorious a manner against both. And as for the present ministers, he was so well satisfied with their just, prudent, and successful management, that he would not see them exposed to the cabals and intrigues of their inveterate, though seemingly reconciled enemies.

A Bill ordered to be brought in accordingly.] On the other hand sir Thomas Hanmer and Dr. Friend spoke for the motion, and took that occasion to extol his Majesty's royal clemency; and then the question being put, on the lord Finch's motion, it was carried in the affirmative by 231 votes against 113, and his lordship and Mr. R. Walpole were ordered to bring in a Bill according to the prayer of the late lord Bolingbroke's Petition.

Replication of the Commons to the Earl of Macclesfield's Answer to the Articles of Impeachment.] April 23 Sir George Oxenden reported from the Committee, to whom it was referred to consider of the Answer of Thomas earl of Macclesfield to the Articles of Impeachment exhibited against him, That the said Earl had industriously avoided giving a direct Answer to several matters positively alledged against him, and had endeavoured to disguise the crimes laid to his charge; and that many parts of the said Earl's Answer are contradictory and inconsistent; and the Committee did humbly submit to the judgment of the House their opinion, that for avoiding any imputation of delay to the Commons, in a case of so great moment, a Replication be forthwith sent up to the Lords, maintaining the charge of the Commons; and that the Committee had pre-

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pared a Replication accordingly, which he read in his place, as follows;

"The Commons have considered the Answer of Thomas earl of Macclesfield, to the Articles exhibited against him by the knights, citizens and burgesses in Parliament assembled, and observe, that the said Earl hath industriously avoided giving a direct and particular Answer to several matters positively and certainly alledged against him in the said Articles, which from the nature of the facts themselves, must necessarily lie in his own knowledge; and hath attempted to disguise and cover the real crimes laid to his charge, by immaterial and evasive insinuations of facts of a different nature; and that many parts of the said Answer are contradictory to, and inconsistent with each other, upon which they might demand your lordships' immediate Judgment; yet the Commons, being able to maintain the truth and justice of their accusation, are willing to enter into the due examination thereof, and do aver their charge of High Crimes and Misdemeanors, against the said Thomas earl of Macclesfield, to be true, and that the said Earl is guilty in such manner as he stands impeached, and that the Commons will be ready to prove their Charge against him, at such convenient time, as shall be appointed for that purpose."

The said Replication being read a second time, it was resolved to be the Replication of the Commons to the Answer of Thomas earl of Macclesfield; and ordered that the said Replication be engrossed.

April 24. The Commons read the engrossed Replication, which was ordered to be sent to the Lords.

Protest against the Earl of Macclesfield's being tried at the Bar of the House of Lords.] April 26. The Commons having brought up the Replication to the Answer of Thomas earl of Macclesfield, to their Articles of Impeachment against him, a question was proposed and stated for appointing his Lordship's Trial on Thursday se'en-night, at the Bar of the House. And the question being put, whether those words, 'At 'the Bar of the House,' shall stand part of the question, it was resolved in the Affirmative, by 59 against 17.

"Dissentient'

1. "Because we are of opinion, that it highly concerns the honour and dignity of this House in all cases of impeachment, that the Trial should be had in the most public and solemn manner, that being most suitable to the laws and constitutions of this kingdom in all cases whatsoever, but is more especially requisite in a prosecution of the Commons in of Great Britain, begun and carried on by their representatives in parliament; for which reasons we think that this Trial ought to be had in Westminster-hall, and not at the Bar of this House, where it is impossible, as we conceive, to provide room and other conveniencies for the attendance of the House of Commons, and such others of the subjects of this kingdom who may be desirous to be present at this Trial.

2. "We are of opinion, that it is a justice due to the Earl who is impeached, to give him the opportunity of vindicating himself, and to assert his innocence in the most public manner imaginable, the crimes wherewith he is charged by this Impeachment being of that nature as render it, as we conceive, most desirable, and even necessary on his part, to give universal satisfaction of his innocence, in a case wherein his honour, and that of his posterity, are so highly concerned.

3. "We are of opinion, that it is of great moment to the honour and dignity of the crown, the fountain of justice, that the Trial of this Impeachment should be had in that place which may be most satisfactory to the whole nation, because the Articles whereby the Earl stands impeached, relate to the administration of the public justice of the kingdom, and consist of facts or matters charged on him whilst he was Lord High Chancellor, and as such, was entrusted by his Majesty with the execution of the most eminent office and station concerning the administration of justice.

4. "Because we observe that the Earl impeached has, in his Defence, by his Answer, in some degree, involved the honour of many great personages, peers of this realm, and others, some living, and others long since deceased, but whose descendents are now peers and members of this House, in the consideration of the matters and crimes charged on himself; which circumstance of the Defence being, as it seems to us, in the opinion of the Earl, material to be examined into upon the Trial, we are of opinion that in this respect also the place of Trial is become of more importance, and most proper to be in Westminster-hall, and not at the bar of this House, where the examinations must unavoidably, as we conceive, be less public, and, in that respect less satisfactory.

5. "It appearing to us by several Reports delivered to this House by his Majesty's direction, which relate to the administration of justice in the High Court of Chancery, whilst the said Earl was Lord Chancellor, that there are very great deficiencies of the money and effects belonging to orphans and widows, and others the suitors of the Court; which money and effects were brought into the Court, or into the hands of the Masters in Chancery; and which deficiencies, as they appear to us, amount to a great many thousand pounds, as yet wholly unsatisfied and unsecured; for this reason we are of opinion, that it is necessary, for the public satisfaction, and particularly of the suitors concerned, that this Trial should be had, not only in the most solemn manner, but in the most public place also.

6. "We do not find, that any Impeachment of the Commons has been tried at the bar of this House, or in any other place than in

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Westminster-Hall, since the Restoration of king Charles 2, and before that period the impeachment of the earl of Strafford was tried in Westminster-Hall; we also find that since the Restoration, every peer who has been tried by this House, either on an Impeachment or Indictment, has had his Trial in Westminster Hall, and not at the bar of this House; and sometime after the late Revolution, private persons impeached by the Commons, for frauds and cheats relating to the Lutstring company, and private traffic, were appointed by this House to be tried in Westminster-Hall; the Impeachment of Dr. Sacheverell, for misdemeanors committed in the pulpit, was tried there also: for which reasons we are of opinion, that this Impeachment being, as we conceive, of the highest consequence to the honour of the crown and kingdom, ought to be considered, at least with equal regard as to the place of trial, and in every other respect with any of those Trials before mentioned; and the rather, for that the method of proceedings on Trials of Impeachments, if had at the bar of this House, contrary to the general course since the Restoration, are therefore more unsettled by many late precedents, and, in that respect, may be liable to more difficulties and delays, than if had in Westminster Hall.

7. "We think that no consideration of delay, which may be occasioned for a little time by the preparations to be made in Westminster Hall, or any other account during the Trial, are an equivalent consideration, or to be balanced with the public satisfaction, which, in every respect, is, in our opinion, due to this proceeding, and especially with regard to the place of trial.——*(Signed,)* Wharton, Scarsdale, Boyle, Strafford, Gower, Foley, Lechmere, Coventry."

I dissent for all the aforementioned reasons, except the fourth.——*(Signed)* Montjoy.

Then the Question being put, That Thomas earl of Macclesfield be tried at the bar of this House, on Thursday se'nnight at 11 o'clock in the forenoon, upon the Impeachment for High Crimes and Misdemeanors, exhibited against him by the House of Commons; it was resolved in the Affirmative.

Dissentient'

For the reasons mentioned in the foregoing Protest.——*(Signed,)* Scarsdale, Strafford, Foley, Wharton, Coventry, Boyle, Lechmere.

April 26. The Commons received the following Message from the Lords:

"Mr. Speaker, The Lords have commanded us to acquaint this House, that their lordships have appointed Thursday, being the 6th day of May next, at 11 of the clock in the forenoon, for the Trial of Thomas earl of Macclesfield, at the bar of the House of Lords, for the High Crimes and Misdemeanors whereof he stands impeached; and that their lordships will order conveniences to be prepared there for the Managers of the Impeachment."

Whereupon it was ordered, 1. That Managers be appointed to make good the Articles of Impeachment against Thomas earl of Macclesfied. 2. That the Committee to whom it was referred to draw up the said Articles be the said Managers.

April 27. The Commons ordered, 1. That Mr. Nicholas Paxton, and Mr. Thomas Bayly be appointed Solicitors to the said Managers. 2. That a Committee be appointed to search Precedents, touching the method of proceedings, upon Trials of Impeachment by the Commons, at the bar of the House of Lords: and a Committee was appointed accordingly, of which sir Edmund Bacon was chosen chairman.

The Bill in favour of Viscount Bolingbroke passes the Commons.] Then the lord Finch presented to the House a Bill for enabling Henry St. John late Viscount Bolingbroke, to take and enjoy several manors, lands, &c. which was read the first time.

April 30. The late lord Bolingbroke's Bill was read a second time, and committed to a Committee of the whole House, who were ordered, "To receive a clause or clauses for preserving the inheritance of all the family estate in the said Bill mentioned, to the issue male of the lord viscount St. John, on failure of issue male of the said Henry St. John, late viscount viscount Bolingbroke, with proviso to the said late viscount Bolingbroke, to charge the said estate with a sum of money, and to make leases in like manner as he was enabled to do, by the marriage settlement in the said Bill mentioned, and to make a jointure, and provision for younger children."

May 3. The order being read for the House to resolve itself into a grand Committee upon the late viscount Bolingbroke's Bill, the lord William Pawlet moved, "That it be an instruction to the said Committee, that they have power to receive a clause to disable the said Henry St. John, late viscount Bolingbroke, to be a member of either House of Parliament, or to have or enjoy any office or place of profit or trust, under his Majesty."

This motion was backed by several members, but was opposed by Mr. Chancellor of the Exchequer, and the question being put thereupon, it was carried in the negative by 154 voices against 84. After this the Commons, in a Committee of the whole House, went through the said Bill, and made several amendments thereto, which being the next day reported by the lord Finch, were, with an amendment to one of them, agreed to, and the Bill so amended, ordered to be ingrossed.

May 5. The said Bill was read the third time, passed, and sent up to the Lords.

Protest against passing a Bill to disarm the Highlanders of Scotland.] May 3. A Bill, 'For more effectually disarming the Highlanders in that part of Great Britain called

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Scotland, and for the better securing the peace and quiet of that part of the Kingdom' was read the third time in the Lords; and the question being put, Whether this Bill with the Amendments do pass? It was resolved in the Affirmative.

" Dissentient'

1. " Because the Bill sets forth, that many persons in the Highlands commit many robberies and depredations, and oppose the due execution of justice against robbers, outlaws, and persons attainted; which assertion, we conceive, was meant as an inducement to pass the Bill, and therefore should have been fully made out by proof, or have been undeniably clear from its notoriety; but no proof was attempted to be made of it; and we have not heard that such outrages, as are charged upon the Highlanders, have been committed by them of late.

2. " We apprehend that this Bill gives to lords lieutenants of counties, justices of the peace, and others, such large and discretionary powers, in some cases, as are hardly to be trusted in the hands of any persons in a free government, unless apparently necessary to the preservation of it.

3. " Since the behaviour of the Highlanders has been peaceable and inoffensive for some years past, and is so at present, as far as appears to us, we cannot but fear this Bill may prove unseasonable, may hazard the loss of that invaluable blessing which we now enjoy, a perfect calm and tranquillity, and raise amongst these people that spirit of discontent and uneasiness, which now seems entirely laid; for we apprehend that the execution of some authorities in this Bill is more likely to create, than to prevent disorders; we think it applies severe remedies where, as far as we can perceive, there is no disease, and this at a time when the Highlanders not being accused of any enormities, for which, in our opinion, the legislature ought in justice to punish them, or in prudence to fear them, we think it would become us, as good patriots, to endeavour rather to keep them quiet, than to make them so.——*(Signed,)* Wharton, Gower, Scarsdale, Boyle, Lichfield."

Names of the Managers at the Earl of Macclesfield's Trial.] May 6. The Commons ordered, That the Committee appointed to manage the Evidence against Thomas earl of Macclesfield, be at liberty to proceed in such manner as they shall think most important for the speediest expediting of the said Trial. Then upon a Message from the Lords, importing that their lordships were ready to proceed on the Trial of Thomas earl of Macclesfield, the Names of the Managers were called over by the clerk, viz. Sir George Oxenden, bart. sir Clement Wearg, sir Thomas Pengelly, sir William Strickland, bart. Mr. Doddington, lord Morpeth, Mr. Arthur Onslow, Mr. Palmer, Mr. Walter Plomer, sir John Rushout, bart. Mr. Edward Thompson, Mr. Philips Gybbon, Mr. Hedges, Mr. Sandys, Mr. West, Mr. Snell, Mr. Lutwyche, hon. Thomas Gower, and Mr. Cary.

Accordingly the said Managers went up to the Bar of the House of Lords to proceed on the Trial, which continued till the 26th of this month, and being printed by authority, may be found at large in the State Trials.

The Earl of Macclesfield is unanimously found Guilty.] May 27. The Order being read, for taking into further consideration the Impeachment of the earl of Macclesfield: It was proposed, 'To resolve, That the Commons 'have made good their Charge of High Crimes 'and Misdemeanors against the said Earl.' And a question being stated upon the said Proposition; it was resolved in the affirmative.

After which; It was agreed, that the question to be put to each lord, severally, beginning with the junior baron, shall be,

'Is Thomas earl of Macclesfield guilty of 'High Crimes and Misdemeanors, charged on 'him by the Impeachment of the House of 'Commons, or Not Guilty?'

And every lord present shall declare his opinion, Guilty or Not Guilty, upon his honour, laying his right hand upon his breast.

May 25. A Message was sent to the Commons to acquaint them, that the Lords are ready to proceed further upon the Impeachment against the earl of Macclesfield. And the Managers being come, and seated as before; the usual proclamation was made for silence. After which the Speaker put the question agreed on yesterday, to all the Lords present, beginning with the Junior Baron; And their lordships severally declaring their opinion, " That he was Guilty;"

The Speaker declared, That the House had unanimously found the said earl Guilty of High Crimes and Misdemeanors, charged upon him by the Impeachment of the House of Commons. Then the Managers were directed to withdraw: And the House was adjourned during pleasure, to unrobe.

The names of the Lords present, who unanimously found him guilty, are as follows:

Barons. Walpole, Lechmere, Ducie, Onslow, Bathurst, Foley, Masham, Trevor, Montjoy (viscount Windsor of Ireland), Hay (earl of Kinnoul in Scotland), Gower, Herbert, Ashburnham, Waldegrave, Lynn, Cornwallis, Bruce, Brooke, Compton, Hunsdon, Clinton, Delawar, Percy, Abergaveny.

Bishops. Exeter, Bristol, Chichester, St. Davids, Norwich, Carlisle, Bangor, Glocester, Ely, Peterborough, Rochester, Oxford, St. Asaph, Winchester, Durham, London.

Viscounts. Torrington, Harcourt, Cobham, Tadcaster, (earl of Thomond in Ireland), Lonsdale, Hatton, Townshend, Say and Seal.

Earls. Pomfret, Harborough, Cadogan, Sussex, Halifax, Bristol, Strafford, Ferrers, Ilay, Deloraine, Stair, Orkney, Selkirk, Findlater, Buchan, Rothes, Cholmondeley, Albemarle, Rochford, Scarborough, Abingdon, Yarmouth,

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Burlington, Carlisle, Scarsdale, Sunderland, Denbigh, Warwick, Northampton, Leicester, Lincoln, Pembroke.

Marquis. Tweedale.

Dukes. Chandois, Manchester, Wharton, Newcastle, Ancaster, Roxburgh, Montross, Montague, Grafton, Greenwich, (duke of Argyle in Scotland), Devonshire.

Archbishop. Canterbury.

The House being resumed, the duke of Devonshire, lord president, signified to the House, "That last night he received a letter from the earl of Macclesfield, mentioning that he was ill of the stone;" And his grace also acquainted their lordships, "He was this day informed, by one of the said Earl's Solicitors, that his lordship still continued ill."

Ordered, That this House will proceed further upon the Impeachment against Thomas earl of Macclesfield to-morrow.

May 26. The gentleman usher of the Black Rod gave the House an account, "That he and the Serjeant at Arms had served their lordships' order on the earl of Macclesfield, for his attendance this day; and that his lordship was attending, pursuant thereunto." The order of the day being read, for proceeding further upon the Impeachment of the earl of Macclesfield; a Message was sent to the Commons to acquaint them, that their lordships are ready to proceed further upon the Impeachment against the said Earl.

And the Managers being come, the usual proclamation was made for silence. Then the gentleman usher was directed to call in the earl of Macclesfield. Who being come to the bar; the Speaker acquainted him, "That the Lords had fully considered of his case; and had unanimously found him Guilty of High Crimes and Misdemeanours charged upon him by the Impeachment of the House of Commons."

Whereupon the said Earl mentioned some circumstances in mitigation of the crimes of which he had been accused: but was interrupted by the Managers for the Commons, as being irregular; his lordship, in what he said, not offering any thing in arrest of judgment.

Then the said Earl acquainted the House with the uneasiness he was at present under, in regard of his illness; and, submitting himself to their lordships' justice and mercy, begged to be dismissed any further attendance at this time. Upon which, the said Earl, as also the Managers, were directed to withdraw.

The House was adjourned during pleasure, for the Lords to put off their robes.

Ordered, That Thomas earl of Macclesfield be committed to the custody of the gentleman usher of the black rod.

Ordered, That this House will now proceed to the consideration of what Judgment to give, upon the Impeachment against the said Earl.

And it being proposed, "That the said Earl be fined in the sum of 30,000*l.* to the King's majesty:" After debate; and reading the Judgments of this House, in the cases both of the viscount St. Albans, and the earl of Middlesex: It was proposed, "To ask the Opinion of the Judges, Whether the Sale of an Office, that hath relation to the administration of justice, be an offence against the Common Law?" And a question being stated upon the said proposition: It was resolved in the negative.

Then, it being moved, "To resolve, That Thomas earl of Macclesfield be fined:" The question was put thereupon, and it was resolved in the affirmative.

Protest on a Motion for disabling the Earl of Macclesfield from holding any Employment, passing in the Negative.] The question was then put, "Whether the said Earl shall be for ever incapable of any office, place, or employment, in the state or commonwealth?" It was resolved in the negative. Contents 42; Not Contents 42.*

"Dissentient'

1. "Because it is certain that the honour and dignity of the crown, the security of our religious and civil rights, and the preservation of our most excellent constitution in church and state, entirely depend upon the probity, integrity and ability of those persons whom his Majesty shall call to his councils, and who shall be employed in any office, place or employment in the state or commonwealth.

2. "Because we conceive, a person impeached by the House of Commons of corruption of the deepest dye, and who, after a full and legal trial, was by this House unanimously found guilty of high crimes and misdemeanors, charged on him by the House of Commons, which high crimes and misdemeanours were committed by him in the execution of his high station as Lord High-Chancellor of Great Britain, ought not to be exempted from this part of the sentence, which has always been thought proper to be inflicted by our ancestors, both in regard to the safety of the government, and the justice of this House, on persons convicted of crimes of the like nature; and we do not find one instance on the Journals of parliament, where this penalty has been omitted.

3. "We apprehend that his Majesty having removed the earl of Macclesfield from the trust reposed in him by the custody of the Great Seal, and having earnestly recommended to the Lords Commissioners appointed to succeed him, the taking effectual care, that entire satisfaction be made to the suitors of the Court, and that such suitors be not exposed to any dangers for the future, and having fully expressed his gracious disposition that the said Lords Commissioners should look narrowly into the behaviour of all the officers under their jurisdiction, and should see that such officers act with the strictest regard to justice, and to the ease of his subjects, (which is a plain indication of his Majesty's just resentment of the Earl's ill con-

* When a motion for any resolution or order is made, if there be an equality of voices, it always passes in the negative.

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duct, during his presiding in the Court of Chancery) and having, in great tenderness to the injured nation, recommended the protection of the unhappy sufferers to the justice of parliament, we thought it incumbent upon us, on this great occasion, when the Commons have so clearly made out their charge against the impeached earl, not to depart from the methods of our ancestors in the framing of our sentence, with an unusual tenderness to a person, against whom the whole nation cries for justice, but to pursue their glorious steps upon the like occasions, and to incapacitate the said Earl from having any office, place of employment in the state or commonweaith, as the most effectual means to deter others from being guilty of the like crimes for the future.——*(Signed)*, Wharton, Abingdon, Bruce, Stratford, Pomfret, Denbigh, Compton."

"We do dissent to the beforementioned question for the Reasons following:

1. "This House having resolved, that the House of Commons have made good their charge of high crimes and misdemeanors against the Earl impeached, and by a subsequent resolution having unanimously declared him guilty, we are of opinion, that it is a necessary consequence in law, justice, honour and conscience, that the disabilities contained in the question proposed should be a part of his punishment, they being such, as we think, the wholesome laws and statutes, against which the Earl has offended, do expressly ordain for the punishment of his crimes, and such as the nature, circumstances and consequences of his guilt do, in our opinions, most justly deserve.

2. "The Articles of the House of Commons, whereof the Earl is, in our opinions, declared guilty, are an accusation of him for many repeated acts of bribery, extortion, perjury and oppression, committed by colour of his office of Lord High Chancellor, and of many endeavours to have concealed and suppressed the discovery of them, even from the knowledge of his Majesty; those crimes therefore, being by the laws of this land, and, as we believe, by the laws of all civilized nations in the world, adjudged to be crimes of an infamous nature, we think the incapacity proposed by this question to be one natural and unavoidable step to have been made by this House in the judgment on those crimes.

3. "The Earl, in his Answer to the Articles of the Commons, hath asserted, that the taking the many sums by him from the Masters in Chancery, which sums he there calls presents, was never before looked upon to be criminal; and hopes that the giving or receiving such a present is not criminal in itself, or by the common law of this realm, and that there is not any act of parliament whatsoever by which the same is made criminal, or subject to any punishment or judgment, which can be prayed in this prosecution: The Earl himself, and his counsel on his behalf, upon his trial, attempted to justify his extortions (then called compliments) and endeavoured to maintain, that they are conformable to the laws of the land; but we cannot reflect on this behaviour of the Earl otherwise than as the highest dishonour thrown, by him, upon the laws and government of this kingdom, and a most daring and groundless endeavour to disparage the common law of the land, Magna Charta itself, the clear and express injunctions of many statutes, particularly those passed in the reigns of Richard 2, Henry 4, and Edward 6, in this behalf, and of an act passed this session of parliament for the indemnification of the Masters in Chancery; against the plain sense of all which laws the Earl has, in our opinions, knowingly and wilfully offended; and as this unparalleled justification attempted by the Earl will be transmitted to all posterity, we think it absolutely necessary that the punishment proposed by this question should have been inflicted, in vindication of the laws and government itself, against the aspersion the Earl has thrown upon both, and to prevent any imputation which may hereafter be cast on the honour and justice of this House, as having, on this occasion, in any degree seemed to favour or countenance such defence.

4. "The Earl has in his Answer asserted some of his practices to have been long used by his predecessors, and by others being chief justices, masters of the rolls, and other judges; and on his trial offered evidence to prove his assertion in four instances only, three of them in the time of one, and the other in the time of his immediate predecessor; but though those instances, as we think, were unattended with the many aggravations of the Earl's guilt in those respects, yet lest those examples, together with that of the Earl, should hereafter be construed a mitigation of his, or an encouragement to the like offence, we think the punishment now proposed ought to have been inflicted, by which it would become the more exemplary; and the rather, because it appears to us highly probable, that the imputation, as it is thrown by the Earl upon his predecessors, is unjust; the memory of many of those wise and excellent persons never having been, as we believe, stained with an imputation, till the Earl cast it on them; and some of his predecessors having, in several ages, fallen under the severe and strict inquisition of parliament for bribery and corruption, without any charge upon them for that criminal practice.

5. "We are of opinion, That this House, now exercising its judicature as the supreme court in this kingdom, upon an accusation of the Commons for offences against the known laws of the land, has no legal power or authority to dispense with or omit those punishments which are expressly ordained by positive acts of parliament; and it appears to us to be indisputable, that the disabilities proposed by this question are expressly ordained by the statute made 11 Hen. 4, and in some degree by the statute 5 and 6 Edw. 6, against buying and selling offices, for the very same offences

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of which this House hath, as we conceive, declared (and of which we are fully satisfied in our consciences) the Earl is guilty; and the punishment proposed in this question hath been inflicted by the House in the cases of the lord Bacon and the earl of Middlesex, for corruptions, in our opinions, much less heinous than the crimes of the Earl impeached; and the judgments given by this House on those two persons were founded, as we think, not only upon the nature of the crimes, but were directed and prescribed by the acts of parliament above mentioned, and still remain on the records of this House unimpeached, and their authority never judicially questioned, to our knowledge, but are often referred to and approved by the most learned authors and judges of the laws of this land: we are therefore of opinion, that it was not only wise, but even that the law requires, that the judgment upon the Earl impeached should be consonant in this respect to the judgment of this House, in those two instances; whereby the law of the land in this particular stands declared, as we think, by the authority of the supreme judicature of the kingdom; and which no power less than the authority of an act of parliament, in our opinions, can abrogate.

6. "It having appeared, on the trial of the impeached Lord, that the most dangerous and destructive corruptions have been committed by him whilst in the highest station in the administration of public justice, to the great dishonour of the crown, and the detriment of great numbers of the King's subjects; and, in one instance, whilst he (with others) was in the exercise of the regal authority; we think it of the highest consequence to the honour and support of his Majesty's government, and the satisfaction of the whole kingdom, that the Earl should, by the judgment of this House, have been incapacitated from ever having the power or opportunity of re-acting the like corruptions, against which, as we conceive, there could be no security, but by inflicting upon him the disabilities proposed in this question.

——(*Signed,*) Scarsdale, Greenwich, Strafford, Denbigh, Buchan, Halifax, Harborough, Selkirk, Orkney, Ashburnham, Wharton, Carlisle, Litchfield, Gower, Brooke, Bruce, Manchester, Hay, Masham, Northampton, Abingdon, Bristol, Bathurst, Lechmere, Sussex."

Protest on a Motion to incapacitate the said Earl from sitting in Parliament, &c. passing in the Negative.] Then it being moved to resolve, That the said Earl shall never sit in parliament, nor come within the verge of the court, after debate, it was resolved in the negative, by 48 against 39.

"Dissentient'

1. "We cannot agree to this resolution for the reasons given in the last Protest; and further, we conceive, that there was the greater necessity for the punishment proposed in this, from the determination of the House on the former question, from whence (and also from the question having passed in the negative) there remains, as we apprehend, no punishment but a pecuniary one, to be inflicted on the impeached Earl for his heinous and unexampled misdemeanors; which punishment we think (and we fear the whole nation will judge) to be utterly unadequate to his transgressions, and not consistent with the resolutions already passed by this House upon the Earl, whereby he is rendered in judgment of law, as we think, an infamous person, and not capable of bearing testimony as a witness, much less to sit in this supreme court as a judge, perhaps on points of the highest moment to the kingdom, and over the lives, liberties and properties of the subjects, many of which he has, in our opinions, already so notoriously injured.

2. "Because we find, that the punishment now proposed has been inflicted in the two instances of lord Bacon and the earl of Middlesex; and the like in earlier instances, particularly in the case of Hubert de Burgo, created earl of Kent, who was afterwards charged in parliament for counselling the King to cancel Magna Charta, and for other offences; and was degraded from his dignity by the judgment of his peers; and we conceive, that the condemnation which this House has already passed on this earl is founded upon the most aggravated guilt which has ever appeared in any criminal, whose offences were not capital; amongst which his repeated wholesales (as we conceive them to be) of the justice of the Court of Chancery, in the corrupt dispositions of the Offices of the Masters, were, as far as in him lay, so many barters and sales of Magna Charta itself, by which the sale of justice is prohibited.

3. "We conceive it to be utterly inconsistent with the honour and dignity of this House, to suffer a lord condemned, as we think, for the most dangerous corruptions committed by him whilst he was a judge, to continue afterwards in the enjoyment of his seat in this House, under no other censure than of a fine, and imprisonment till that is paid; because, we fear, it may hereafter give too much encouragement to the worst corruptions in the greatest officers of state, if, from the example of this earl, it should be hoped their crimes may be ransomed by a small part, perhaps, of their corrupt and extorsive gains; by which means the greatest offenders of this sort may think their impunity the more secure, by so much the higher that they carry, and the more they succeed in their corrupt practices: We think also, that the sum of 30,000*l.*, if that should be the fine, does very little, if at all, exceed the gross sums this earl has received, as we believe, in bounties from his Majesty, over and above the due profits of his offices, and the other great sums he has extorted and still retains; we are therefore of opinion, that the infamy, which, we think, is due to the crimes of which the earl is condemned, should

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have been fixed upon him by the disability proposed in this question.——*(Signed)*, Scarsdale, Wharton, Strafford, Selkirk, Manchester, Gower, Bathurst, Harborough, Northampton, Brooke, Bruce, Buchan, Denbigh, Halifax, Lechmere, Masham, Greenwich, Ashburnham, Abingdon, Carlisle, Bristol, Hay, Litchfield, Orkney."

We dissent to the last mentioned Question for the reasons following:

1. "For the first Reasons given on the foregoing Question, which, we apprehend, hold the stronger against his being permitted to sit in the highest court of judicature, since it may expose the judgment of this House to censure, when a person guilty of such corrupt practices shall be one of the judges.

2. "We apprehend, that a person whom his Majesty has in such a manner, removed from being a judge of his subjects properties, cannot be thought fit to sit in this House, in such case as may affect the lives of every peer of this House, and the property of all the subjects of Great Britain.——*(Signed)*, Wharton, Pomfret, Abingdon, Bruce, Compton, Strafford."

The Speaker's Speech to the Managers of the Impeachment of the Earl of Macclesfield.] May 27. The Lords sent a Message to the Commons, acquainting them, That their lordships were ready to give Judgment against Thomas earl of Macclesfield, if the Commons, with their Speaker, would come and demand the same. Hereupon a motion was made, and the question proposed, "That this House will demand Judgment of the Lords against Thomas earl of Macclesfield:" which occasioned a warm debate, that lasted till five in the afternoon, when the previous question being put, That the question be now put, it was carried in the affirmative, by a majority of 136 voices against 65; and then the main question being put, it was resolved, "That this House will demand judgment against Thomas earl of Macclesfield." This done, the Commons resolved, *nem. con.* "That the Thanks of this House be given to the members, who were appointed the Managers of the Impeachment against Thomas earl of Macclesfield, for their faithful management in their discharge of the trust reposed in them." Hereupon

Mr. *Speaker* gave them (they standing up severally in their places) the Thanks of the House, as follows:

"Gentlemen;

"It is with the greatest chearfulness, that I obey the commands of the House on this occasion, and yet I was never, on any occasion, more sensible of the difficulty of performing them as I ought; but I have this satisfaction in this motion's being made when I least expected it, that my not being prepared may be some excuse for those defects, which I should not have been able to have supplied, had I had ever so long a time for consideration.

"Gentlemen;

"You have maintained the charge of the Commons, with that force of argument, beauty of expression, and strength of reason, as would have gained you the highest applause, in the most flourishing of the Grecian commonwealths; and I may add,

'————Nec dignius unquam
'Majestas meminit sese Romana loquutum.'

But I shall not inlarge farther on this part of your praise, being sensible that I am not able to express myself in a manner suitable to the dignity of the subject: your own tongues are only suitable to such an undertaking; and were I able to do it, your modesty would not permit it: I shall therefore proceed in obeying the commands of the House, in such a manner, as you yourselves may hear it, not only without offence, but I hope with satisfaction; by endeavouring to set in their proper lights the great and lasting benefits your country will receive by your faithful discharge of your duty.

"You have stopped the cries of orphans, and dried up the tears of the widow; even those who must ever be insensible of the benefits they receive, ideots and lunatics, (and such only can be insensible of them) will be partakers of the fruits of your labours.

"But you are more particularly intitled to the thanks of this House, by having made the prosecutions of the Commons, against great offenders practicable: The power of impeachment, that sword of vengeance, which the constitution has put into the hand of the Commons, (and which, when drawn by party-rage, when directed by the malice of faction, or wielded by unskilful hands, has too often wounded that constitution it was intended to preserve) has now, by your able management, turned its edge to his proper object, a great offender; and if the wound it has given, should not be so deep, as many expect: yet you may be very sure, it never can be imputed to the want of strength in your arm: And I hope and trust, from your prudent conduct through the whole progress of the Trial, that this great privilege of the Commons will ever remain a terror to evil doers; and that it may be a praise to them that do well; the House has unanimously come to this resolution,

"Resolved, *nem. con.* That the Thanks of "this House be given to the members, who "were appointed the Managers of the Impeach-"ment against Thomas earl of Macclesfield "for their faithful management in their dis-"charge of the trust reposed in them."

The Commons unanimously resolved, that Mr. Speaker be desired to print the Speech he had made on that occasion; and sent sir William Gage with a Message to the Lords, to acquaint them, That the Commons, with their Speaker, intended immediately to come to the House of Lords, to demand Judgment against Thomas earl of Macclesfield, and therefore de-

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sired the Painted Chamber and passages to the House of Lords might be cleared.

Which desire being readily complied with, the Commons with Mr. Speaker, (with the mace) went up to the bar of the House of Lords.

Judgment pronounced upon the Earl of Macclesfield.] May 27. The Speaker of the House of Commons, attended by the Serjeant at Arms belonging to that House came, to the bar of the House of Lords. When the Lord Chief Justice, Speaker of this House, directed the Gentleman Usher of the Black Rod to bring thither the earl of Macclesfield; who, after low obeisances made, kneeled until the said Lord Chief Justice acquainted him, He might rise.

Then the Speaker of the House of Commons spake as follows:

"My Lords,

"The knights, citizens, and burgesses, in parliament assembled, in the name of themselves and of all the Commons of Great Britain, did, at this bar, impeach Thomas earl of Macclesfield of High Crimes and Misdemeanors; and did exhibit Articles of Impeachment against him, and have made good their Charge:

"I do, therefore, in the name of the knights, citizens, and burgesses, in parliament assembled, and of all the Commons of Great Britain, demand Judgment of your lordships, against Thomas earl of Macclesfield, for the said High Crimes and Misdemeanors."

After which, the Speaker of the House of Lords said,

"Mr. Speaker; the Lords are now ready to proceed to Judgment, in the case by you mentioned.

"Thomas Earl of Macclesfield,

"The Lords having unanimously found you "Guilty of High Crimes and Misdemeanors, "charged on you by the Impeachment of the "House of Commons; so that their lordships "find themselves obliged to proceed to Judg- "ment against you; which I am ordered to "pronounce:

"Therefore this High Court doth adjudge, "That you, Thomas earl of Macclesfield, be

"fined in the sum of 30,000*l.* unto our "Sovereign Lord the King: and that you "shall be imprisoned in the Tower of "London, and there kept in safe custody "until you shall pay the said fine."

Which done, the Speaker with the Commons withdrew, and the earl of Macclesfield was taken from the bar.

Ordered, "That the Speaker of this House do give order for the printing and publishing the Trial of Thomas earl of Macclesfield; and that no other person but such as he shall appoint do presume to print the same."

Ordered, "That the said earl of Macclesfield be committed to the Tower of London, there to be kept in safe custody until he shall pay the abovementioned fine of 30,000*l.* to the King: and that the Gentleman Usher of the Black Rod, in whose custody the said earl at present is, do him safely convey to the said Tower, and deliver him to the constable thereof; or, in his absence, to the lieutenant or deputy lieutenant of the same; and that the said constable, lieutenant, or deputy lieutenant, do receive the body of the said earl, and him keep in safe custody there, until he shall have paid the said fine *."

Protest against committing the Bill in favour of Lord Bolingbroke.] May 22. A report being made from the Committee of the whole House, on the Bill, "For enabling Henry St. John, late Viscount Bolingbroke, and his heirs male, notwithstanding his attainder, to enjoy several estates, according to such interests as are limited in a certain Indenture, and other assurances therein mentioned, and for other purposes," That the Committee had made some progress in the Bill; the question was put, whether the House shall be put into a Committee again upon the said Bill on Monday next, it was resolved in the affirmative, by 46 against 22.

"Dissentient'

1. "Because we apprehend it to be inconsistent with the honour and dignity, which, in all cases, should be observed in the proceedings of this House, to make a resolution, especially upon debate, to put the House into a Committee on this Bill, at the same instant or moment of time on which, by an order of the 21st instant, it was resolved, that the House would farther proceed on the Impeachment of the earl of Macclesfield; and it does not appear to us, that any precedent is to be found on the Journals of this House, to warrant this resolution in that respect.

2. "We conceive that this resolution may draw on a debate or doubt in the House, touching the preference to be given by the House to the further progress on this Bill, or to the further proceeding on the said Impeachment; which debate, if any such should happen, we think, may be attended with ill consequences; the matter of the said Impeachment, so press-

* "The earl of Macclesfield was carried to the Tower, and confined in the same apartment as was formerly the earl of Oxford's; and, three days after, the King in council ordered his name to be struck out of the list of privy-counsellors. The earl paid his fine about six weeks after, and was discharged from his confinement. Sir Peter King, being created baron of Oakham in Surrey, succeeded him in the chancellorship." Tindal.

A biographical notice of the earl of Macclesfield will be found in vol. 7, p. 558, of this work.

Of a disgraced favourite the excellencies are forgotten, and the errors magnified. Staffordshire, it was said on this occasion, had produced three of the greatest rogues that ever existed; Jack Sheppard, Jonathan Wild, and lord Macclesfield. See Hatton's History of Derby, p. 287.

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ing and necessary, in our opinions, to the public justice of the nation, being compared with this Bill, which contains, as we think, extraordinary and undeserved bounty and reward to a person impeached by the Commons, and as yet attainted for treasons, which tended to the overthrow of the Protestant Succession to the crown of these realms, and to the placing the Pretender on the throne.——*(Signed,)* Warrington, Coventry, Lechmere."

Protest against passing the said Bill.] May 24. The Bill was read the third time: And the question being put, that the Bill do pass, it was resolved in the affirmative by 75 against 25.

"Dissentient'

1. "Because the purport and intention of this Bill is to repeal several acts of parliament passed since his Majesty's accession, whereby all the estate and interest of the late lord Bolingbroke, in the lands mentioned in this Bill, being forfeited to the crown for high treason, were vested in trustees, and still remain appropriated for the use and benefit of the public; the value of which lands amount, as we believe, to several thousand pounds per annum; we therefore think it unjust to all the subjects of this kingdom, who have borne many heavy taxes, occasioned, as we believe, in great measure, by the treasons committed, and the rebellion which was encouraged by this person, to take from the public the benefit of his forfeiture.

2. "It appears from the Articles of Impeachment exhibited by the Commons against the late lord Bolingbroke, whereof he now stands attainted by Act of Parliament, that he stood charged with the commission of several treasons of the most flagrant and dangerous nature, committed by him whilst he was Secretary of State to her late Majesty Queen Anne, for traitorously betraying her most secret councils to the king of France, then at war and in enmity with her Majesty; and with other treasons tending to destroy the balance of Europe, and to raise the then exorbitant power of the French king, who not long before had publicly acknowledged the Pretender to be the lawful and rightful king of these realms.

3. "The treasons wherewith he was charged, we conceive, were fully confessed by his flight from the justice of parliament; but his guilt was afterwards, as we think, indisputably demonstrated by the new treasons he openly and avowedly committed against his present Majesty; it being notorious, and it having been declared to the House on the debate of this Bill, that he did, soon after his flight, enter publicly into the councils and services of the Pretender, who was then fomenting and carrying on a rebellion within these kingdoms for the dethroning his Majesty, into which rebellion many of his Majesty's subjects, as well peers as commoners, were drawn, as we believe, by the example or influence of the late lord Bolingbroke; and for which treason many peers and commoners have been since attainted, and some of them executed, and their estates both real and personal become forfeited by their attainders, and as yet continue under those forfeitures.

4. "We have not been informed of any particular public services which this person hath performed to his Majesty or this nation, since his commission of the many high and dangerous treasons before-mentioned, and in case he has done any, they must be of such a nature as ought, in our opinions, to be rewarded in another manner than is provided by this Bill, and for which, we think, the crown is otherwise sufficiently enabled; and the sincerity of his having quitted the interest of the Pretender may, in our opinions, be justly suspected, he never having, as appears to us, throughout the progress of this Bill in both Houses, once signified his sorrow for the treasons he had committed; and if he had really abandoned that interest, his private intelligences or services, with regard to the interest or councils of the Pretender, can't reasonably be supposed, in our opinions, to be of great value.

5. "We think that no assurances which this person hath given, nor any services he can have performed since his commission of the treasons aforesaid, or any farther obligations he can enter into, can be a sufficient security to his Majesty, or the kingdom, against his future insincerity, which may happen, he having already so often violated the most solemn assurances and obligations, and in defiance of them having openly attempted the dethroning of his Majesty, and the destruction of the liberties of his country.

6. "We think the services he may have performed, if any, ought not to be rewarded either in the degree or the manner provided by this Bill, it having been found by experience, in cases of like nature, that the strongest assurances have afterwards proved deceitful; for which reason we conceive it to be unwise and dangerous to give such rewards as cannot be be recalled, though the assurances should be broke; and we believe it to be the known policy and universal practice of wise governments to keep the persons, claiming merit from such services as the late lord Bolingbroke can possibly have performed since the commissions of his treasons, dependent on the government for the continuance of those rewards.

7. "The pardon of the late lord Bolingbroke, under the Great Seal, having been communicated to the House, and under consideration on the debate of this Bill, we think, that this Bill ought not to pass, because it may hereafter be construed, in some degree, to confirm or countenance that pardon; and we are of opinion, that that pardon, though it may be legal as to the treasons committed by him since his attainder, yet so far as it may be construed, if that should be, to pardon or affect the act of attainder of the late lord Bolingbroke, or the impeachment of the Commons, on which that act is founded, it is a most dangerous violation of the ancient rights and freedom of the king-

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dom, and will defeat the whole use and effect of the impeachments by the Commons; which is, as we think, the chief institution, arising even from the constitution itself, for the preservation of the government, and for the attaining parliamentary justice; and tends, as we conceive, to render the rights and judicature of this House, on impeachments and bills of attainder, vain and useless; all which ancient rights of both Houses, and of the subjects of this nation, were saved to them by the Revolution, and were intended, as we conceive, to have been for ever preserved to them in their full extent, by the act passed in the reign of the late king William, of ever glorious memory, by which the crown of these realms is limited and settled on his present Majesty and his issue, and in which act it stands declared, that no pardon under the Great Seal shall be pleadable to an impeachment of the Commons.

8. "We are of opinion, that the power of dispensing mercy is an ancient inherent right of the crown of these realms, and the exercise of it of great benefit to the people, when it is wisely and properly applied; but it being incumbent on us, in the vote we give for or against passing this Bill, to judge between the late lord Bolingbroke, and to consider the right and title he appears to us to have to the benefits of this Bill, and the concern which, on the other side, the honour, interest and safety of the king and his royal family, and the whole kingdom, have, in our opinion, from the consequences of it, we think we cannot be justified in our own thoughts, with regard to the latter, or to our posterity, if we should consent that this Bill should pass.——*(Signed)* Bristol, Coventry, Onslow, Clinton, Lechmere."

The Earl of Macclesfield's Fine applied to the Relief of the Suitors in Chancery.] May 31. The Commons resolved, *nem. con.* That an humble Address be presented to his Majesty, "That he would be graciously pleased to order, that the Fine imposed by the House of Lords, on Thomas earl of Macclesfield, or any part thereof, as the same shall be paid into the Exchequer, be issued and paid into the Court of Chancery, to be applied towards making good any of the losses of the Suitors occasioned by the deficiencies of the Masters of the said Court, as that Court shall think fit to direct." And it was ordered, That the said Address be presented to his Majesty by such members of the House as are of his Majesty's most honourable privy council. About half an hour after, Mr. Robert Walpole reported to the House, That the said Address had been presented to his Majesty; and that his Majesty had commanded him to acquaint the House, That he would give the necessary orders according to the desire of the House.

The King's Speech at the Close of the Session.] The same day, the King being come to the House of Lords, with the usual state, and the Commons being sent for up and attending, his Majesty gave the royal assent to the Bill in favour of the late lord viscount Bolingbroke, and to several other Bills.

After which the lord King*, Speaker of the House of Lords, read his Majesty's Speech to both Houses of Parliament, as follows:

"My Lords and Gentlemen;

"I am come to put an end to this session of parliament, which, though it has been extended to an unexpected length, has been so well employed for the service and interest of the public, that I assure myself it will be to the general satisfaction of the nation.

"Gentlemen of the House of Commons;

"The prudent use you have made of the present flourishing state of credit, by a certain reduction of more than 3,700,000*l.* to an interest of 4 per cent. and by a wise provision for the redemption thereof by Parliament, without farther notice, on payment of such sums as the circumstances of the government will from time to time admit, has secured a considerable addition to the Sinking Fund, not subject to the hazard of future events.

"You have not only raised the supply for the service of the current year, at the lowest rate of interest that has ever been known, but without laying any new burthen on my people; you have enabled me to discharge the debts of my Civil Government; debts contracted by necessary and unavoidable expences, and in support of such measures of government as have greatly increased the happiness of my people; you have thereby shewn your just regard to my honour, and the dignity of the crown.

* Of Lord Chancellor King, who was nephew, on his mother's side, to our great metaphysician Mr. Locke, the following particulars are recorded on his monument in Ockham church, Surry, and in Collins's Peerage:

"He was born in the city of Exeter, of worthy and substantial parents, but with a genius greatly superior to his birth. By his industry, prudence, learning and virtue, he raised himself to the highest reputation, and to the most dignified employments in the state. He applied himself to his studies in the Middle Temple, and to an exact and complete knowledge of all the branches of the law, he added the most extensive learning, theological and civil. He was chosen a member of the House of Commons in 1699, Recorder of the city of London in 1708, and, in the same year, had the honour of knighthood conferred on him by queen Anne. On the Accession of George the First in 1714, he was made Chief Justice of the Common Pleas. In 1725 he was created Baron King of Ockham, in Surry; and raised to the post of Lord High Chancellor of England, which he held also in the reign of George the Second. But sinking into a paralytic disease, under the labour and fatigues of this weighty place, he resigned it in November 1733, and died July 22, 1734, aged 65; a steady friend to true religion and liberty."

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"My Lords and Gentlemen;

"As all our public blessings are the happy effects of the general tranquillity we now enjoy, I cannot but express my satisfaction in the provision you have made for suppressing and preventing disturbances and commotions, in those parts where the peace of the kingdom might have been most endangered. Nothing more remains necessary, than to tell you, that I entirely depend on the faithful discharge of your duties in your several stations, and on your constant care in your respective countries, to preserve the peace and quiet of the public; but I know not how to part with you without first returning you my very hearty thanks, for the many repeated instances you have, in this session, given me of your duty and affection; all such returns may be expected from me, as can be made by the most indulgent prince to an affectionate and loyal people."

Then the Speaker of the House of Lords, by his Majesty's command, prorogued the parliament to the 1st day of July following.

PRINCIPAL OCCURRENCES DURING THE RECESS.—*Knights of the Bath revived.—The King sets out for Hanover.—Riots in Scotland.—Foreign Affairs.—Treaty of Vienna.—Treaty of Hanover.—The King's stormy Passage to England.*] Presently after the end of the session, the King revived the order of Knights of the Bath, of whom prince William was the first, and the duke of Montague was appointed grand master. Among the knights were sir Robert Walpole, and his son the lord Walpole. The whole number was 38, including the sovereign. Several promotions were likewise made. Mr. Methuen was appointed treasurer of the houshold, and the earl Lincoln, cofferer in the room of Mr. Pulteney. William Bateman was created baron of Calmore, in Ireland, and viscount Bateman. Soon after sir Robert Walpole was made Knight of the Garter.*

*"On this event Walpole had the honour of being congratulated by the author of the Night Thoughts, in a poem called the Instalment. The Poet commences in an exalted strain of panegyric, by invoking the shades of the deceased knights to descend from Heaven to assist at the inauguration of their new compeer:

Ye mighty dead, ye garter'd sons of praise!
Our morning stars! our boast in former days!
Which hov'ring o'er, your purple wings display,
Lur'd by the pomp of this distinguish'd day,
Stoop and attend: by one the knee be bound;
One, throw the mantle's crimson folds around;
By that, the sword on his proud thigh be plac'd,
This, clasp the diamond girdle round his waist;
His breast, with rays, let just Gololphin spread;
Wise Burleigh plant the plumage on his head;
And Edward own, since first he fix'd the race,
None prest fair glory with a swifter pace."

Coxe's Walpole.

The King having settled his affairs in England, and appointed the lords justices, set out for Hanover the 3rd of June.

The Scots, ever since the Union, had very unwillingly paid any of the taxes that had been laid on the United Kingdom; and had behaved on all such occasions, as if they thought themselves injured, when they were obliged to contribute any thing towards the public expence. The enemies to the government failed not to feed this ill humour, and, under colour of zeal for the old constitution, to set the people against that, which was now established. The Malt-tax was most clamoured against; and it was foreseen, that it would not be collected without peril to the officers. At Edinburgh indeed, the excisemen were suffered to take an account of the malsters' stock in hand; but those at Glasgow were obliged to apply to the commissioners of the excise at Edinburgh for protection and assistance, their lives being threatened, if they offered to visit the malt-houses. The commissioners applied to major-general Wade, commander in chief of the forces in Scotland, who, on the 23rd of June, sent captain Bushel, with two companies of soldiers to Glasgow, where they arrived the next day in the evening. At their entrance into the town, they found a great mob of men, women, and boys, who gave them abusive language, and threw stones at them, as they marched along the streets crying aloud, No Malt-tax. The officer desired them to forbear, for he meant them no harm. The provost gave him billets for quartering his men, but told him, he could not put him in possession of the guard-room, because the rabble had locked it up, and carried away the key, as soon as they heard the soldiers were coming. The officer, unwilling to exasperate them, by forcing open the door, ordered the guard to be kept at a public house, which they hired for that purpose. About 11 o'clock that night, several thousands of the mob got together about the house of Mr. Daniel Campbel, representative in parliament for Glasgow, threatening to plunder it. Upon which captain Bushel sent an officer to the provost, letting him know the mischief they designed to commit; and that he was ready with his men to assist him in preventing it. But his answer was, He thought the number of his soldiers too few, and therefore he would make no use of them. Thus the rabble, finding no opposition, nor even the appearance of a magistrate to restrain their fury, with hatchets and other instruments forced into the house, and turned out two or three of Mr. Campbel's servants (he, with his wife, having the day before retired to his country-house) and fell to plundering every thing they could carry away, and destroying what was not portable. This riot continued till nine the next morning, when several of the mob were lying drunk in the house, with the wine and liquors they found in the cellars, but the magistrates did not get any of them secured. The officers of the excise hid themselves as well as they could: Some of them

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fell into the hands of the mob, and with great difficulty escaped with their lives, after having been unmercifully beaten. The rabble were then pretty quiet, till about four in the afternoon, when they began to meet again; women, or men in womens cloaths, beating drums about the streets to call them together. Captain Bushel, not knowing what their designs might be, ordered the soldiers to be near the guard-room, which the provost had now caused to be opened: But the mob did not long keep their secret; for they advanced towards the guard, crying, 'Drive the dogs out of town: We will cut them to pieces.' The officer said again 'We mean you no hurt, but, if you continue to provoke the soldiers, we shall not be able to restrain them from firing at you.' The rabble answered, 'You dare not fire with ball;' and continued throwing stones in such quantities, and so large, that they broke some of the locks of the soldiers pieces, and their bayonets, and wounded several men. Upon which they were ordered to fire over the heads of the mob to frighten them; but they advanced still upon the soldiers, and throwing stones in greater quantities, the soldiers at last fired on them, and killed or wounded three or four, which made them retire to some distance. In this short interval, the provost sent to captain Bushel, desiring him to save himself and his men, by retreating out of the town; for the rioters were collecting all the arms they could; and, if he did not march away, there would be more bloodshed. The captain, taking his advice, marched immediately for Dunbarton, being followed by great numbers of the mob, and that so closely, that he was forced to fire now and then to secure his retreat out of the town. Three or four hundred of them followed him six miles, but they durst not come up with him. He sent an officer from Dunbarton to Edinburgh, to give general Wade an account of what had happened; and, on the 8th of July, the general, accompanied by Duncan Forbes, lord advocate, set out from Edinburgh, and at noon the next day joined a body of forces, that had been ordered to draw together on a moor within two miles of Glasgow, consisting of four troops of horse, and a detachment of colonel Campbel's dragoons; eight companies of the earl of Deloraine's regiment of foot; the earl of Stair's regiment, and one of the new-raised Highland companies. The general wrote a letter to the magistrates to let them know he was coming; and the next day, about two o'clock in the afternoon, entered the town; the troops advancing with silence and good order; and they were distributed into quarters without any disturbance. The two following days the excisemen were set to take an account of the malsters stock in hand, and had quiet admittance. The rioters having endeavoured by circular letters to every town of any note to excite tumults, the mob rose July the 9th, at Elgin, attacked in the night-time three soldiers, who were posted centinels at a shop, wherein was lodged a quantity of brandy, that had been seized by the Custom-house officers, and obliged the soldiers to fire in their own defence, by which one of the rabble was killed. The soldiers being overpowered were put in prison by the magistrates; and the mob immediately carried off the brandy. The malsters at Glasgow complied with the terms of the act of parliament. Many of the rioters were seized; most of them mean persons. Near an hundred witnesses were examined, but little or nothing was found against any of them: It was all laid on those, who fled, and on strangers. The general and the lord advocate, having staid a week at Glasgow, returned to Edinburgh. The lord advocate committed seventeen men and boys, and four women, to prison. The provost, bailiffs, dean of guild, and deacon conveener were also apprehended, and the next day, under a strong guard of dragoons, sent to Edinburgh. When they came near the city, there was a vast concourse of people at such an unusual and unexpected sight, besides a great many merchants and men of note on horseback, who went out to meet them, and accompanied them to the prison doors, the Glasgow magistrates being in coaches. They did not continue long under confinement; for, this affair being brought before the lords justiciary, they were unanimous in their opinions, that they were innocent; upon which they were immediately set at liberty. It was reported, that the whole royal boroughs of Scotland had come to a resolution to stand out against payment of the malt-tax. But they were so far from doing it, that, the convention being assembled at Edinburgh on the 7th of July, they resolved to write a circular letter to each of the royal boroughs, to be sent by express, testifying the falshood of that report, and their abhorrence of the thought of resisting or not paying due obedience to the law, which has enacted the levying of that tax, exhorting the magistrates and governors of each royal borough, to concur vigorously with the officers of the revenue, in the execution of the laws relating thereto, and in suppressing of all mobs, riots, and tumultuous assemblies; and requiring them every where to use all diligence for the discovery of the authors of such malicious reports and seditious practices; and to acquaint the annual committee of the convention therewith, that the offenders might be prosecuted, and brought to deserved punishment at the suit of the convention, as disturbers of the public peace. The rioters at Glasgow were brought to their trial before the court of justiciary, of which the earl of Ilay was chief; and, Walter Buchanan, William Hamilton, George Macfarlane, Patrick Mitchel, and Janet Balleny, being found guilty of the riot, the four men were, the next day, sentenced to be transported, after they had been scourged at Glasgow by the common hangman; and Balleny, the woman, was sentenced to stand twice in the pillory there; so that no capital punishment was inflicted on any of these offenders.

General Wade did likewise another very important service to the public, by disarming,

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pursuant to the act of parliament, the highlanders, Mackenzies, Macdonalds, Grants of Glenmoriston, Macleods, Chisholms, Stewarts, Camerons, Macphersons, Mackintoshes, Macgregors, Gordons, Farquharsons, Macfarlans, and other clans, their tribes and followers; as also the inhabitants of the isles of Sky and Mull; the arms amounting to between two and three thousand. The companies of the soldiers left in the highlands were so posted, that they possessed all the considerable passes and thereby prevented the stealing of cattle.

As to foreign affairs, there were great alterations abroad this year. Mention has been made of the marriage of Lewis, prince of Asturias, with the duke of Orleans's second daughter, and of king Philip's resignation of the crown to his son. It has been also related, how Lewis XV. of France was married to the infanta of Spain; and madamoiselle de Beaujolois, another of the duke of Orleans's daughters, to don Carlos, infant of Spain by king Philip's second wife. The first marriage was consummated, but soon after dissolved by the death of Lewis king of Spain. Upon his decease, his father, king Philip, resumed the crown. In the beginning of March 1724-5, the French king, who could never gain upon himself to be tolerably civil to the young infanta, declared his resolution to send her back into Spain. This was so highly resented by the court of Spain, particularly by the Queen, that it was resolved to send back to France madamoiselle de Beaujolois, whose marriage with don Carlos was yet unconsummated; which was accordingly done, and at the same time the infanta was sent to Madrid, the Spanish ministers, the marquis de Monteleone, and Patrick Lawless (the Pretender's agent in England in queen Anne's reign) returned with her.

The queen of Spain's resentment did not end here. She resolved the French should intermeddle no more in the Spanish affairs, and offered to adjust her differences with the emperor (for which the congress of Cambray had been appointed) under the sole mediation of Great-Britain. This offer was refused by king George upon many accounts. The emperor was so far from seeking the sole mediation of Great Britain, with the same warmth as Spain, that he shewed such a coolness on the occasion, as not only indicated a jealousy, but foretold an unsuccessful issue in case it was assumed, besides, the accepting of it, in order to gratify the passions of the queen of Spain, must have disobliged France, with whom, ever since the death of Lewis XIV. the British court had contracted the strictest friendship. The same motive still subsisted, that had induced king George to enter into a reciprocal confidence with that crown, the title of the house of Orleans to that monarchy in virtue of the treaty of Utrecht. The young king was as yet a minor, and unmarried, and the duke of Bourbon, prime minister of France, who solely guided the helm, was next in reversion to the crown, after the young duke of Orleans, then unmarried, and of a weak constitution. The coolness therefore of the emperor, the engagement with France, and the prospect of disuniting for ever the house of Bourbon, by means of the branches of Orleans and Condé, induced king George not to accept the sole mediation, at the hazard of losing France, without any appearance of gaining, or, if gained, of keeping Spain one moment fixed to his interest or alliance. Upon the King's refusal of the sole mediation, the emperor and queen of Spain resolved to adjust their differences by a secret negociation. This was managed on the part of Spain by the baron de Ripperda, a Dutchman, who had abandoned the Protestant religion, and entered into the Spanish service. The first treaty of Vienna was soon concluded, and signed the 30th of April, and, the next day, a treaty of commerce was also signed. It was urged, that, the mediators having for several years in vain endeavoured to reconcile the emperor and king of Spain, they resolved to do it by themselves without the intervention of any other power, especially since France had affronted Spain, by sending back the infanta, and England had refused to continue her mediation at Cambray without France.

By these Treaties, the emperor acknowledges Philip V. as lawful king of Spain and the Indies, and promises not to molest him in the possession of the dominions secured to him by the treaty of Utrecht, nor to appropriate to himself any right to them. King Philip, on his part, renounces all his pretensions to the dominions in Italy and the Netherlands, adjudged to the emperor by the treaty of London, in July 1722. The emperor grants (without the consent of the empire) the investiture of the dukedoms of Tuscany, Parma, and Placentia, to the queen of Spain's eldest son, in case these dukedoms should be vacant for want of heirs; the determination of king George and the regent of France in the treaty of London, that they are musculine fiefs of the empire, being taken for granted. Spain agreed to guarantee the succession of the Austrian dominions according to the pragmatic sanction. By the treaty of commerce, the emperor's subjects were to have commercial advantages in Spain, to which no others were entitled; Spain was to guarantee the Ostend trade to the East Indies, and pay an annual subsidy of about four millions of pieces of eight.

The treaty of peace was not liable to any great objection, though the article, by which Spain agreed to guarantee the succession of the Austrian dominions, according to the pragmatic sanction, gave some room to suspect, it was to operate in favour of Spain. And therefore it did not alarm the other states, but it was not the same with the treaty of commerce, which was so much to the advantage of England and Holland, particularly with regard to the privileges granted to the Ostend India Company.

But, besides these treaties, king George had reason to suspect that another, much more re-

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pugnant to the interest of Great Britain, was also concluded. This suspicion was afterwards confirmed, not only by some indiscreet expressions of Ripperda, but by the most positive intelligence from different persons, all capable of knowing the truth, and all concurring in the most material facts. By this third treaty, which was carefully concealed, it was declared that the Spanish minister having represented that the king of Great Britain had promised the restitution of Gibraltar and Port Mahon, and that the king of Spain did insist upon it, the emperor would concur in employing force for restoring Gibraltar to Spain, if it could not be amicably effected. King George had moreover cause to believe, that several other points of still more dangerous consequence, were settled between the emperor and Spain, particularly that the two arch-duchesses should be married to the infants of Spain, and that means should be taken for placing the Pretender on the throne. This last article the king was informed of by a person of great rank, veracity, and credit, though the emperor himself ordered his ministers to give, in his name, the most solemn denial of the fact. It must indeed be owned, that the duke of Bavaria received likewise assurances equally strong from the ministers of Vienna, that nothing had been transacted between the emperor and the court of Madrid, relating to the marriage of an arch-duchess to a prince of Spain, though it was afterwards owned by the imperial ministers, and the execution of it openly demanded by those of Spain. And it may here be observed, that, if those marriages had taken place, and the French king and the prince of Asturias at that time, both princes of weak constitutions, had died without issue, it would have laid the foundation for the most formidable power ever known in Europe, by uniting together in one sovereign all the dominions belonging to the houses of Austria and Bourbon.

In consequence of these treaties between the emperor and Spain, great sums, amounting to about a million sterling, were remitted in six months, from the signing of them by Spain, to Vienna. The court of Vienna gave immediately the necessary orders for an augmentation of their own forces, with thirty thousand men, and took immediately into their pay thirty thousand more. Negotiations were set on foot for engaging other powers in support of their cause; and particularly Russia, by her accession, was to furnish thirty thousand men.

King George, justly alarmed at these proceedings, resolved to take such precautions, as were likely to defeat the pernicious designs of the new allies. The court of Vienna had behaved with uncommon coolness towards the court of London, ever since the accession of king George. The emperor, whether out of some old personal enmity to the king, or from his jealousy of seeing a Protestant prince of Germany become sovereign of a powerful nation, behaved with great indifference, and in a very contradictory manner towards him on many occasions. He refused to guaranty the succession in his line, and denied him the investiture of the duchies of Bremen and Verden, which he had a right to demand and expect, as a purchaser and member of the empire. To this may be added, the late erection and support of the Ostend India company, in violation of treaties, which greatly affected the British commerce to the East-Indies, and against which the whole nation made loud complaints. Led by these motives, the treaty of Hanover was projected by king George, to check the ambitious views of the emperor and king (or rather queen) of Spain, who, from being irreconcileable enemies, ran into each other's arms voluntarily, tying themselves down by treaty to the closest and strictest friendship. The king succeeded in his design, and a treaty was concluded in September between England, France, and Prussia, in the usual forms of a defensive alliance, with a mutual guaranty to protect the respective countries rights and privileges, those of commerce in particular, which the parties enjoyed or ought to enjoy, as well out of as in Europe; which had a view to the Ostend company. There was nothing in the treaty that reflected directly or implicitly upon the conduct of any other power: Nor was there any expression to be found in it, nor inference from it, or from the consequent measures, to shew it was projected to increase the dominions and claims of the electorate of Hanover, or to involve Great-Britain in the quarrels of that electorate, or could give offence to any but those who intended to offend. The treaty was to last fifteen years. There were three separate articles: The first related to the affair of Thorn, and was an engagement to procure satisfaction for what had been done contrary to the treaty of Oliva. By the second the two kings electors engaged, in case the emperor declared war against France, not only to furnish their quota of troops, but to act in concert with his most Christian Majesty. By the third, France consented, that, if the empire declared against her, the two electors kings might furnish their quota, provided they furnished no more, and fulfilled their engagements to his most Christian Majesty. Thus was concluded the Treaty of Hanover, which has been painted in more invidious colours, than any transaction during the reign of king George.

The King, having settled affairs abroad set out from Hanover on the 18th of December, O. S. and came to Helvoet-Sluyce, where sir John Norris waited with the convoy and yachts, and where he embarked on board the Carolina yacht on New-year's-day, about one in the afternoon. Towards seven that evening there arose a most violent storm with rain and hail, wich separated the ships one from another, except one man of war, commanded by captain Dancey, who kept company with the king's yacht, on board which was sir John Norris. The tempest continued so high, and the sea so boisterous, for thirty six-hours, that

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the whole fleet was in the utmost danger. On the 3d of January, the yachts and men of war were near Dover; and one of the yachts, with some of the king's attendants, entered the river; but it was thought more advisable, that the king should land at Rye, where he arrived about noon. The king went immediately into the small boat, the tide being down; and, as soon as he could reach a horse, which captain Pigram had brought him, he mounted it, rode by the wall, and over the new bridge. The mayor, Mr. Lambe, and the jurats, in their formalities, with the neighbouring gentlemen, attended the king, who alighted at the mayor's house, being saluted all the way with loud huzza's and acclamations. He was extremely fatigued, having eat nothing since the day he embarked. The lord Townshend and his lady, who were in the Mary yacht, kept company with the king, and with some difficulty landed at the same place. On the 4th of January, a messenger, dispatched by the lord Townshend, arrived at the Cock-pit, with the agreeable news of the king's safe landing at Rye, from whence he intended to have set out for London on the 6th; but, the roads in that part of the country being unsafe from the fall of snow, it was found necessary to give orders for the clearing of the ways; which done, the king began his journey the next day, and having crossed the water from Rye, at a place called the point, lay that night at Hythe, the next at Sittingburne; and on the 9th arrived in good health at St. James's*.

FOURTH SESSION OF THE SIXTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech at the Opening of the Session †] January 20, 1726. The Parliament being met at Westminster, pursuant to their last prorogation, the King went to the House of Peers with the usual state, and the Commons being come thither, his Majesty by the mouth of the Lord High Chancellor, made the following Speech to both Houses:

"My Lords and Gentlemen,

"I have had such frequent experience of the wisdom and zeal of this parliament, on many important occasions, that it is with pleasure I now meet you again, and I make no doubt but that your endeavours for the good and service of your country will be as successful as they have hitherto been.

"The distressed condition of some of our Protestant brethren abroad, and the negociations and engagements entered into by some foreign powers, which seem to have laid the foundation of new troubles and disturbances in Europe, and to threaten my subjects with the loss of several of the most advantageous branches of their trade, obliged me without any loss of time, to concert with other powers, such measures, as might give a check to the ambitious views of those, who are endeavouring

* Tindal.

† "Your lordship's letter, with a draft of the King's Speech, came to us yesterday. I will certainly consider it in the best manner I am able, and be ready to give you my poor thoughts upon it by letter, or upon your arrival. But it is necessary that I should suggest to your lordship, that if the parliament is to be opened in that manner, and the measures are to be put in execution, which seem resolved by the tenure of your lordship's several dispatches transmitted to the duke of Newcastle, which I have perused since my return from the country, it will be advisable, if his Majesty can order his affairs accordingly, that the parliament should set about the middle of January. For the opening of the parliament in that manner, will immediately affect the credit in some degree, which in such cases being always worse at first, than after a little time and consideration, may probably make it necessary for me a little to vary my schemes of the supply, and not venture upon the strength of credit, which I have hitherto depended upon.

"This leads me to tell you, that the rumours of war begin now to obtain pretty much, and have their effects upon the stocks, which, as it is unavoidable, we must expect and provide accordingly, but at the same time, not to take any steps which are not immediately necessary, and which in point of time, will be as effectual to all intents and purposes. I speak this in regard to fitting out ships, and manning squadrons, for it is most certain, that in three months, all that can possibly be wanted, may as certainly be got ready as in twelve months; and one or two such squadrons as are talked of, may certainly be had and got ready in all particulars, except seamen, which will at all times be an unequal difficulty, as well although delayed till the beginning of the next year, as if orders were immediately given.

"It is fit you should likewise be acquainted, that the Pulteneys build great hopes upon the difficulties they promise themselves will arise from the foreign affairs, and especially from the Hanover treaty. I had a curiosity to open some of their letters, and find them full of this language. The last foreign mail brought a letter from count Staremberg to William Pulteney, giving him great expectations of the materials he should furnish him with, when it might be done with safety, and very strong in general terms upon what is transacting with you. *Wise Daniel* fills all his inland correspondence with reflections of the same kind, and gives all their fools great hopes of doing wonders: their two only topics are the civil list and the Hanover treaty; but I cannot learn they have gained a man but righteous sir Joseph [Jekyll.] I am, with great truth and affection." Sir Robert Walpole to Lord Townshend, Nov. 29—Dec. 10, 1725. See Coxe's Walpole.

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to render themselves formidable, and put a stop to the farther progress of such dangerous designs. For these ends I have entred into a defensive Alliance with the most Christian King and the king of Prussia, to which several other powers and particularly the States-General have been invited to accede, and I have not the least reason to doubt of their concurrence. This Treaty shall in a short time be laid before you.

"By these means, and by your support and assistance, I trust in God, I shall be able not only to secure to my subjects the enjoyment of many valuable rights and privileges long since acquired to them by the most solemn treaties, but effectually to preserve the peace and balance of Europe, the only view and end of all my endeavours.

Gentlemen of the House of Commons,

"I have ordered the Estimates for the service of this year to be prepared and laid before you, which, from an unwillingness I always have to put my subjects to an extraordinary expence by any unnecessary precautions, are formed upon the foot of employing no greater number of forces, than was thought necessary the last year; for which, if the Supplies you give shall be fully and effectually raised, I shall be enabled to have a strong fleet at sea early in the spring. If the posture of affairs shall at any time make it necessary to augment our maritime force, I confide so entirely in the zeal and affection of my parliament, that I assure myself you will enable me to make such an addition to the number of Seamen, as shall be found requisite.

My Lords and Gentlemen,

"It is not to be doubted, but the enemies to my government will conceive hopes, that some favourable opportunity for renewing their attempts may offer from the prospect of new troubles and commotions: they are already very busy by their instruments and emissaries in these courts, whose measures seem most to favour their purposes, in soliciting and promoting the cause of the Pretender; but I persuade myself, notwithstanding the countenance and encouragement they may have received, or flatter themselves with, the provision you shall make for the safety and defence of the kingdom will effectually secure us from any attempts from abroad, and render all such projects vain and abortive.

"When the world shall see that you will not suffer the British crown and nation to be menaced and insulted, those, who most envy the present happiness and tranquillity of this kingdom, and are endeavouring to make us subservient to their ambition, will consider their own interest and circumstances, before they make any attempt upon so brave a people, strengthened and supported by prudent and powerful alliances, and, though desirous to preserve the peace, able and ready to defend themselves against the efforts of all aggressors. Such resolutions and such measures timely taken, I am satisfied, are the most effectual means of preventing a war, and continuing to us the blessings of peace and prosperity."

The Lords' Address of Thanks.] His Majesty being withdrawn, the Lords unanimously voted the following Address of Thanks:

"Most gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, humbly beg leave to return your Majesty our most hearty thanks for your most gracious Speech from the throne, and with hearts full of inexpressible joy to congratulate your Majesty upon your happy return in safety to your kingdom.

"We cannot without the highest satisfaction reflect upon your Majesty's concern for our distressed Protestant brethren abroad; our most zealous endeavours shall never be wanting, that your Majesty's pious interposition for them may produce the most desired effects.

"We thankfully acknowledge your Majesty's exceeding goodness and condescension, in acquainting us with the Defensive Alliance lately made by your Majesty for preventing the ill consequences, which might otherwise attend the Negociations and Engagements entered into by other potentates, to the apparent prejudice of this kingdom; and for your Majesty's gracious assurance, that it should be soon laid before us. Nothing can be more vain than for any foreign powers to entertain the hopes of rendering themselves formidable to Britain; your Majesty having strengthened yourself by such powerful alliances, the resolution and fidelity of your subjects being so well known, and the late marks of their valour not yet worn out. We most humbly intreat your Majesty to believe, that our lives are not dearer to us, than your Majesty's honour; and that your Majesty may, at all times, with certainty depend upon our strongest efforts, to maintain and defend it against all powers whatsoever, who can so far delude themselves, as to imagine that they may with safety insult and menace the British crown or nation.

"It is no surprize to us, that the enemies to your Majesty's person and government are labouring to disturb the peace of this kingdom, if they can flatter themselves with the prospect of any new troubles or commotions in Europe.

"We can easily believe that at such a juncture, new schemes and solicitations are daily making by the most profligate and abandoned of them, to revive the expiring cause of the Pretender; all which, we assure ourselves, can have no other effect, than to hasten his destruction, and the utter ruin of all his perjured adherents.

"Your Majesty's constant and unwearied endeavours to perpetuate to us the blessing of that happy tranquillity we now enjoy, and to maintain the general peace and balance of Europe, to preserve the trade of this nation, and to secure to your people the many valuable rights and privileges, to which they are entitled by the most solemn treaties; oblige us to all

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imaginable returns of duty and gratitude, and leave us no room to doubt, when we consider the prudent measures your Majesty has taken for attaining those great ends, but that all your Majesty's endeavours, will, by the blessing of God thereupon, notwithstanding any attempts to the contrary, be crowned with success."

The King's Answer.] His Majesty's Answer was as follows:

"My Lords;

"I heartily thank you for this very affectionate and loyal Address; the world may be convinced by it, how fixed and immovable all your purposes and resolutions are to maintain my honour, and promote the true interest of your country: You may be assured of my constant endeavours to support the Protestant religion, to preserve the peace and balance of power in Europe, to prevent any encroachment on the trade of my subjects, and on all occasions to increase their happiness."

The Commons' Address of Thanks.] The Commons being returned to their House, and Mr. Speaker having reported his Majesty's Speech, sir Robert Sutton, knight of the shire for Nottingham, moved, and being seconded, it was resolved, "That an humble Address be presented to his Majesty for his gracious Speech;" and a Committee was appointed to draw up an Address upon the said Resolution: which was accordingly the next day reported to the House, and agreed to.

Jan. 22. The same was presented to his Majesty by the whole House as follows:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave most unfeignedly to congratulate your Majesty's safe and happy arrival in this kingdom. Nothing can equal the dread and anxiety which filled the breasts of your good people, whilst your Majesty's sacred person was exposed to the perils of tempestuous seas*; but the universal joy that was instantly diffused throughout the kingdom, upon the welcome news of your Majesty's being safely landed on the British shore.

"We return your Majesty our humblest thanks for your most gracious Speech from the throne; and cannot sufficiently acknowledge your Majesty's great attention and care for the preservation of the peace and prosperity of this nation, and the general tranquility of Europe.

"The tender regard and compassion, which your Majesty has expressed for the distressed Protestants abroad, will give great satisfaction to all, whose profession of the same religion must inspire them with a just resentment of the injuries and persecutions which they suffer for the sake of it.

"Your Majesty's vigilance in watching over and disconcerting the ambitious views and designs of those, that are endeavouring to render themselves formidable; your wisdom in early forming and entering into alliances with powers best able to withstand the common danger, and to put a stop to the farther progress of the negotiations carrying on by other powers, and your particular concern for the trade and commerce of these nations, call upon us for all possible returns of duty and gratitude.

"And that your Majesty's unwearied endeavours for the particular interests of your own subjects of these kingdoms, and for preventing a war, may have their desired effect, we, your Majesty's most dutiful and loyal Commons, promise and assure your Majesty, that we will with the greatest cheerfulness, unanimity and dispatch, so effectually raise the supplies for this year, that your Majesty may be enabled to have a strong fleet at sea early in the spring, sufficient to protect and defend the kingdom, to disappoint the hopes of the enemies to your Majesty's government, and resent any insults and attempts that may be vainly projected and undertaken.

"It is not to be wondered at, that in the low state to which the affairs of the Pretender are reduced, his emissaries and instruments should be waiting for every opportunity, that has the appearance of being favourable to their languishing cause; and as they have been very busy in foreign courts, the disaffected and discontented here have not been less industrious, by false rumours and suggestions to fill the minds of the people with groundless fears and alarms, in order to affect the public credit, and by distressing the government, give encouragement to the enemies of our peace.

"But we promise ourselves that the prudence, temper and resolution of those that truly consult their own interest, and wish well to their country, will, on the one hand, prevent and obviate the mischiefs that, by too great credulity and vain fears, they may bring upon themselves; and on the other hand, we are determined to convince the world, that if those who most envy our present happiness and tranquillity, shall so far presume upon the just sense and value we have for these inestimable blessings, as still to pursue their desperate

* To the King's Escape, the author of the Night Thoughts alludes in his seventh Satire:

"While sea and air, great Brunswick! shook our state,
And sported with our king's and kingdom's fate,
Depriv'd of what she lov'd, and pres'd by fear
Of ever losing what she held most dear;
How did Britannia, like Achilles, weep,
And tell her sorrows to the kindred deep!
Hang o'er the floods, and, in devotion warm,
Strive, for thee, with the surge, and fight the storm!
What felt thy Walpole, pilot of the realm!
Our Palinurus slept not at the helm.
His eyes ne'er closed, long since enured to wake,
And outwatch every star for Brunswick's sake:
By thwarting passions tost, by cares opprest,
He found the tempest pictur'd in his breast.
But now, what joys that gloom of heart dispel,
No powers of language—but his own can tell;
His own, which nature and the graces form,
At will to raise or hush the civil storm."

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measures; how desirous soever we may be of peace, we will not suffer your Majesty and the British nation to be insulted; but that we will, to the utmost of our power, as the exigency and necessity of affairs shall require, stand by and support your Majesty against all attempts to disturb the public repose."

The King's Answer.] To this Address his Majesty returned the following Answer:

"Gentlemen,

"I return you my thanks for this dutiful and loyal Address. I make no doubt but you will soon be sensible of the good effect of this seasonable vigour and resolution. You may be assured, that I will make no use of the confidence you repose in me, but for preserving to us the blessings of peace, and for promoting the honour and interest of this kingdom."

A Supply voted.] Jan. 22. The Commons took into consideration his Majesty's Speech to both Houses, and a motion being made for a Supply, the same was referred to the Grand Committee on the 24th instant.

Jan. 24. The Commons went into a Grand Committee, to consider of the motion for granting a Supply to his Majesty, which was unanimously resolved upon.

Debate in the Commons on the Number of the Land Forces.] Jan. 28. The House having resolved itself into a Grand Committee, considered farther of the Supply, and in particular of the charge of the guards, garrisons, and other his Majesty's land forces in Great Britain, for the year 1726.

Mr. *Henry Pelham* opened the debate, and moved, That provision be made for the same number of men, for guards, garrisons, and land forces, for the year 1726, as were provided for the last year. This was opposed by

Mr. *Shippen*, who thereupon stood up, and spoke as follows:

Mr. Speaker,

My sentiments concerning a Standing Army in time of peace are well known here, and it may seem unnecessary, perhaps be thought impertinent, in me to debate anew on a worn and exhausted topic, when other gentlemen who entertain the same sentiments, are pleased to be silent. But surely the question before you is not become a motion of course; surely as long as the grievance is continued on one hand, so long there is a right of complaint on the other; and that complaint, I should think, may without offence be continued, till it can be proved, that the British government is in its nature military, or ought to be made so.

I do not intend to trouble you with what I have formerly urged, or to use any argument drawn from the expence and burthen, or from the terror and oppression which have been brought upon this and other nations, by raising and keeping up a greater number of forces than were absolutely necessary in time of peace: not but that the gradations by which armies, with all their inconveniences, have been first introduced into free states, and afterwards imposed upon them, ought to be had in perpetual remembrance. We ought never to forget, that such steps have been usually taken to gratify the views of ambitious princes, to carry on the schemes of evil ministers, to terrify parliaments into obedience, and to make the members of them dumb spectators of the miseries of their country.

I will not insist on these arguments, however just in themselves, however proper on other occasions, because they would be unapplicable to the present situation of our affairs. For we have a Prince, whose only aim is to continue to us the blessings of peace and plenty; we have a ministry, whose merits are above my commendations; we have a parliament, which acts with a spirit superior to all influences and to all temptations. Besides, every year has its particular circumstances, and those particular circumstances ought to guide our resolutions, when we are making our annual parliamentary provisions for the public service. I thought our circumstances both at home and abroad, were so prosperous the last session, that we might without hazard have disbanded at least the 4,000 augmentation-troops. But the majority of the House was of another opinion. There was then, indeed, a rendezvous, though not a formed congress, of plenipotentiaries, vying with each other in the splendour of their equipages and the magnificence of their entertainments at Cambray, which had for some time employed our speculations, and promised great events to the world. And it was thought good policy to shew the negotiating powers, by continuing our army, that if they would not accept his Majesty's plan for settling the balance of power, and for establishing the tranquillity of Europe, Great Britain was ready to do her part towards compelling them to a compliance. But that policy proved ineffectual, and that negotiation appears at last to have wanted substance, as well as form, and to have produced nothing to Great Britain but an increase of the Civil List Debt, as we were given to understand the last session, in a debate on that subject, by one that knew the secret.

But we are now told, that prudent and powerful alliances are actually made, and that what was only attempted at Cambray, has been fully accomplished at Herenhausen. Nor can there be any doubt, but that his Majesty's extensive care over all his foreign and domestic concerns, but that his alternate residence here and abroad, as it hath procured, so it would, with the advice of a good ministry, and without the aid of a great army, preserve to us, through the whole course of his reign, that security and those blessings we now enjoy. For, whether at home or abroad, his influence is irresistible, because his counsels are wise, and his designs are just. Nor am I altered in this opinion by what has happened at Glasgow in Scotland, or at Thorn in Poland.

For, if I am rightly informed, the tumult at

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Glasgow was no more than a mob, composed chiefly of women, a mere mock resemblance of an Amazonian army, that might have been quelled by the interposition of the civil authority, without recourse to that military vengeance, which was executed there. Such commotions we see arise almost in every nation, when the occasions of the public call for new and extraordinary taxes; and yet they are generally despised, as impotent efforts against established governments, and left to be punished by the laws of the country. But, now all is quiet, now all is safe in Scotland; not the least murmur is heard against the administration: the Highland clans have been disarmed without any disturbance; they rejoice, we are told, in their submission, and are brought to a perfect sense of their duty to his Majesty, by the obliging behaviour and prudent conduct of the general, whose province it was to enforce the act of parliament against them.

As to the important affair of Thorn; which, by the way, was no act of retaliation, as some, who neither consider the circumstance of time nor things, would insinuate, but the effect of a spirit of persecution; we are assured that his Majesty has done more towards obtaining the desired satisfaction for the barbarous and unchristian cruelties committed there, and gained greater concessions from the Catholic princes, by his pacific mediation, and by his personal interest, than he could probably have done by rougher resorts, by threatening, or even by entering into, a religious war. Nor can malice itself suppose, that, whilst he is resenting the violation of treaties; he would do any thing, that would but look like an infraction of the limitation in the act of succession, which restrains the crown from involving Great Britain in any foreign disputes, except where her own immediate interests and alliances are concerned.

I hope we conceive no ill omens, I hope we have no apprehensions, from the French king's marriage to the daughter of the pretender to the crown of Poland; no distrust, that such an alliance can shake our late Protestant Treaty with that young prince; no jealousy, that he will follow the example of the emperor and the king of Spain, by engaging in a clandestine league, without our knowledge, and to our prejudice. I must own, that would be a melancholy consideration. For then an army of twice 18,000 men would not be sufficient to defend that cause, which his Majesty has hitherto asserted, with so much glory to himself, with so much advantage to the Protestant part of Europe.

'Twas a notorious saying, and the avowed policy of one of our late famous statesmen, who lived till after the Revolution, and was thought a secret instrument in it, that, notwithstanding the noise and clamour of the people against soldiers in time of peace, the easiest and best way of governing England was by an army; and that a minister so guarded might prosecute his own measures with safety and success, and soon make the boasting assertors of liberty and property, as tame as a flock of turkies, and drive them which way he pleased. This gives us a true idea of some sorts of modern policy, and of the insolence of that man in authority, who ruined his prince by the very methods he would have enslaved his fellow subjects; but not of the genius of the people of England. For he found another spirit in them; he found, they perpetually struggled with him in defence of the church and state, when he was endeavouring to sacrifice both, as he did his own honour and conscience, in order to erect an arbitrary and unlimited dominion in these kingdoms. Nor could they endure his return into power after the Revolution, though he was countenanced by king William himself, and though his meritorious perfidy was strongly pleaded in his favour. But they continued their opposition to him, till they had accomplished his disgrace; and still his memory is as detestable, as his administration was wicked, though he neither aggrandized his family, nor augmented his estate by the spoils of the public.

Now we are to hope the military principles of this statesman are dead with him, and we are sure good ministers can never pursue the maxims of bad ones, because the means of their actions must necessarily be as different, as the ends are. 'Tis therefore unintelligible to me, how the keeping up an army in time of peace, which has formerly been thought criminal advice in ministers, as being incompatible with our constitution, should now be annually recommended to Parliament by our modern patriots, as the only method of securing us in the possession of our laws and liberties. I say, this is unintelligible to me, and till the seeming paradox can be reconciled to reason, I must beg leave constantly to oppose questions of this nature.

Mr. Shippen was supported by Mr. Heysham, Mr. Hungerford, and others, who insisted on the reducing the 4,000 men that were raised some years ago, upon an extraordinary occasion, and which were now become altogether unnecessary, since on the one hand Great Britain enjoyed at present a happy and perfect tranquillity, which seemed firmly secured by the late disarming of the highlands of Scotland; and, on the other hand, it having already been unanimously resolved, to enable his Majesty to have a strong fleet at sea early in the spring, this they thought sufficient for the safety and defence of the kingdom, effectually to secure us from any attempts from abroad, and to render all projects of the Pretender's instruments and emissaries vain and abortive.

To this it was answered by Mr. Henry Pelham and the hon. Mr. Verney, That it would be highly imprudent to lessen the number of our land forces, at a time when some foreign powers who endeavoured to make themselves formidable, and threaten us with the loss of our most advantageous branches of our trade, were augmenting theirs. That the alliances his Majesty was lately entered into, to check such ambitious views, and put a stop to the farther pro-

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gress of such dangerous designs, might make it necessary to send some land forces abroad, in support of those alliances; and that in such a case, the leaving the kingdom without a sufficient number of men for guards and garrisons, would be too great a temptation to the enemies of the government, who are continually watching for favourable opportunities for renewing their attempts, and disturbing the happy repose we enjoy.

Sir *Joseph Jekyl*, having hereupon declared, That he was indeed the last year for reducing part of the army; but that the face and posture of affairs in Europe being since changed, he thought it now unsafe; his opinion had so great weight, that, without any farther debate, it was resolved,

1. "That the number of effective men to be provided for guards and garrisons in Great Britain, and for Guernsey and Jersey, for the year 1726, be, including 1815 invalids, and 324 men, which the six independent companies consist of for the service of the highlands, 18,264 men, commission and non-commission officers included. 2. That a sum not exceeding 655,178*l.* be granted to his Majesty for defraying the charge of the said 18,226 effective men, for the year 1726."

Jan. 29. These Resolutions were reported to the House by Mr. Farrer, and agreed to; after which it was resolved, That an humble Address be presented to his Majesty, that the late Treaties of Peace and Commerce concluded between the Emperor and the king of Spain may be laid before the House.

Debate on Mr. W. Pulteney's Motion for appointing a Committee to state the public Debts.] February 9. Mr. William Pulteney moved, "That a Committee be appointed to state the Public Debts as they stood on the 25th of December, 1714, with what Debts have been incurred since that time, till the 25th of December 1725, distinguishing how much of the said Debts have been provided for, and how much remain unprovided for by parliament." He was seconded by Mr. Daniel Pulteney, and backed by sir Joseph Jekyl; Hereupon

Sir *Robert Walpole* stood up and endeavoured to shew, That such an inquiry was unseasonable and preposterous, and that it might give a dangerous wound to public credit at this critical juncture, when monied men were already but too much alarmed by the appearances of an approaching war; urging, that in the present posture of affairs, they could not better express their love to their country, than by making good their promises and assurances to his Majesty at the beginning of this session, and with the greatest dispatch raising the necessary Supplies, to enable his Majesty to make good his late Engagements, for the welfare of his subjects, to disappoint the hopes of the enemies to his government, and to resent any insults that may be offered to his crown and dignity.

Mr. *Barnard*, member for London, confirmed what sir Robert Walpole had said, as to the danger of increasing the alarm of monied-men, which had already so much affected public credit, that the stocks were within a few weeks fallen 12*l.* or 14*l.* per cent.

But sir Thomas Pengelly, having spoken for the motion, sir Robert Walpole replied to him. Hereupon

Mr. *William Pulteney* stood up and declared, That he made this motion with no other view, than to give that great man an opportunity to shew his integrity to the whole world, which would finish his sublime character: To which

Sir *Robert Walpole* answered, That this compliment would have come out with a better grace, and appeared more sincere, when that fine gentleman had himself a share in the management of the public money, than now he was out of place.

Then the question being put upon Mr. Pulteney's motion, it was carried in the negative, by 262 Votes against 89.*

Debate in the Commons on the Treaties of Hanover and Vienna.] Feb. 10. Sir Robert

* "Feb. 10, 1726. A very long debate happened yesterday upon a motion of Mr. D. Pulteney's (which you will see in the Votes) for appointing a Committee to examine the Public Accounts from the year 1714, to which a negative was given by a majority of a great many above a hundred. I was with the majority, though some of my best friends (from whom I seldom differ,) divided for the question because I thought it extremely ill timed, though the thing in itself (generally speaking) is highly reasonable; taking it in either view, was what I formed my judgment upon, supposing no debt should have been incurred in that time, which could possibly have been avoided, the enquiry was of no use. Taking it in another view (which I believe would have been the case) I thought it very improper to shew the world our nakedness. People abroad would naturally conclude us very willing to ruffle the government whenever we had opportunity for so doing, and might from such a notion be induced to go into a war, which they would not have adventured, upon any other consideration. Credit has for some time past been in a sinking condition, and in my opinion would have grown worse; let people think what they will, this is our main support, take that away, our case will be bad. I suppose I shall be said to be turned courtier, but I despise every suggestion of that kind. I never was for a minority, because they are so, nor will I be against them, as such, which, to deal plainly, was in my opinion, the foundation of this matter. I contented myself with giving my vote, without speaking in the debate: the Torys were generally with the minority, some few, but not many Whigs." Thomas Broderick to lord Middleton. See Coxe's Walpole: Correspondence, vol. 2. p. 495.

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Walpole acquainted the House, That he had received his Majesty's commands to lay before the House the Treaty between his Majesty, the most Christian king, and the king of Prussia, made at Hanover the 3d of September 1725; and that his Majesty had likewise commanded him to lay before the House, pursuant to their Address, the late Treaties of Peace and Commerce concluded between the emperor and the king of Spain. And he presented copies of the said Treaties, with translations of them, to the House: together with a List of the said Treaties; which List being read, it was resolved to take the said Treaties into consideration on the 16th.

Feb. 16. The Commons proceeded to take into consideration the above-recited Treaties. After the reading thereof,

Mr. *Horatio Walpole** opened the debate with a speech, wherein he laid before the House the state and posture of affairs in Europe, from the peace of Utrecht to this present time, and took notice, That since his Majesty's happy accession to the throne of this realm, his constant care and endeavours had been to settle the balance of power on a solid foundation and to preserve and secure the tranquillity of Christendom; to protect and defend the Protestant cause, and promote the honour and interest of his British subjects. That with these great views, his Majesty was become mediator and guarantee both of the barrier treaty concluded in 1715, and of the convention made in 1718, for the execution of that treaty, between the emperor and the States General of the United Provinces. That in the year 1716, his Majesty concluded a defensive alliance with the emperor; and in 1717, another with the most Christian King and the States General; the genuine design of both which treaties was only to preserve the public repose of Christendom, established by the peace of Utrecht, and to guaranty the succession to the crown of Great Britain in the Protestant line. That in order to fortify all the said treaties, and to extinguish the war which the Spaniards had kindled in Italy, his Majesty in 1718 made a convention with the most Christian king, for proposing ultimate conditions of peace between the emperor and the king of Spain, and between his imperial majesty and the then king of Sicily. That this convention was a few days after followed by a treaty of alliance between the emperor, the King of Great Britain, and the most Christian king, which, by their ministers was concluded at London, and signed on the 22d of July 1718, and in which the States General were named as one of the contracting parties, upon a supposition, that their high mightinesses would come into it, from whence this treaty was named the Quadruple Alliance: That a few months after the king of Sicily was admitted into this treaty, and at length the king of Spain himself was forced to accede to it, which was mainly owing to the generous assistance his Britannic Majesty gave the emperor in the Mediterranean. That there remaining some points still controverted between the emperor and king of Spain, the same were referred to be amicably determined in a congress, which was afterwards opened at Cambray, under the mediation of his Britannic Majesty and the most Christian king. That by reason of several difficulties, industriously raised by the courts of Vienna and Madrid, the great pains taken for three years by the ministers mediators, proved unsuccessful; and, at last, the congress was suddenly dissolved, upon advice that the emperor and the king of Spain secretly had adjusted the differences between them, and concluded a treaty of peace at Vienna. That this unexpected event occasioned no small surmise, and raised jealousies, which appeared to be the better grounded, when it was known. That the said treaty of peace was soon followed by a treaty of commerce, the main design of which was to support and countenance the East-India Company some years before established at Ostend, by granting to the inhabitants of the Austrian Netherlands greater privileges, both in the East and West-Indies, than were ever granted either to the English or Dutch, which visibly tended to the entire ruin of many valuable branches of our trade, and was contrary to several solemn treaties still in force. That thereupon his Majesty, ever watchful for the interest of his British subjects, had caused lively representations to be made against the said treaty of commerce, both to the emperor and king of Spain. That at the court of Madrid these complaints were received with coldness, and at that of Vienna with stiffness and haughtiness, even to such a degree, that the imperial ministers did not stick to insinuate, that if his Britannic Majesty persisted in his resolution to take measures in opposition to the treaties of Vienna, his imperial Majesty would not only think himself disengaged from the guarantee of the Protestant Succession to the crown of Great Britain; but that the same might be attended with consequences in relation to his Majesty's dominions in Germany. That these insulting menaces made no impression on his Majesty's firmness, nor deterred him from his fixed resolution of concerting, with other powers, such measures as might give a check to the ambitious views of those who endeavoured to render themselves formidable: That these measures seemed to be the more necessary, because there were just grounds to believe, that the unforeseen reconciliation of the emperor and king of Spain was owing to the constant view of the house of Austria, of rendering the imperial dignity hereditary in their family. That in order to that, it might be reasonably supposed, That the treaties of Vienna were to be cemented by a match between the emperor's eldest daughter and the Infante Don Carlos. That it was

* His Majesty's embassador plenipotentiary at the court of France.

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easy to foresee the consequences of such a marriage. For the issue-male that might come from it, might in time, be possessed not only of all the hereditary dominions belonging to the house of Austria and of the imperial dignity, but also of all the dominions of the Spanish monarchy; which would entirely overthrow the balance of power, and render the liberties of all the rest of Europe very precarious. That this supposition would appear more than probable to any one who considered, that there was scarce any other way of accounting, either for the king of Spain's breaking through solemn treaties with Great Britain, in favour of the emperor's subject's in the Netherlands; or for the emperor's forgetting so far the obligations he had to Great Britain and Holland, as to enter into engagements to assist Spain, towards the recovery of Gibraltar and Minorca, and to persist in supporting and countenancing the Ostend Company, established with no other view than to deprive the subjects of the maritime powers of several of the most advantageous branches of their trade. That in order to give a timely check to the farther progress of such dangerous designs, his Majesty, in his great wisdom, had entered into a defensive alliance with the most Christian king and the king of Prussia, to which several other powers, and particularly the States General, had been invited to accede; that the States of Holland had already done it, and it was not to be doubted, but their example would soon be followed by the other United Provinces. That the main view of this alliance was to maintain and preserve the public repose and tranquillity of Christendom, and to secure to each contracting party the possession of their respective dominions and territories, with the rights, immunities and advantages, particularly those relating to trade, which their subjects enjoyed, or ought, by treaties, to enjoy. And that as his Majesty ever had a particular concern for the Protestant interest so out of his royal and tender compassion for the distressed condition of some of our Protestant brethren in Poland, his Majesty had not only interposed his good offices, in the most pressing manner, in their favour, but had taken the occasion of the defensive alliance made at Hanover, to engage, by a separate article, the most Christian king and the king of Prussia, who together with his Majesty, are guarantees of the treaty of Oliva, to see it maintained and observed in its full extent and to cause reparation to be made for what may have been done at Thorn, contrary to the said treaty of Oliva. Concluding, with an encomium upon his Majesty's wisdom, care, vigilance, steadiness and resolution in the conduct of all these weighty, and important affairs.—Mr. Walpole having done speaking,

Mr. *Daniel Pulteney* stood up, and made his observations on most of the points mentioned by Mr. Walpole, and insinuated, That the subject matter of this day's debate was of a very nice nature, and of the greatest importance, and therefore they ought maturely to consider of it, before they came to any Resolution upon it.

Another Member having suggested, That it was to be supposed, that the king of Spain did not seem to grant any farther privileges to the emperor's subjects in the Netherlands, than what had been granted to the English and other most favoured nations; He was answered by

Colonel *Bladen*, who pointed to the very Articles of the Treaty of Commerce of Vienna, whereby it was expressly stipulated, in the Second Article, "That the ships of war and merchant ships belonging to the contracting parties, or their subjects, should be allowed full liberty to frequent the harbours, coasts, and provinces of each other; naming particularly the East-Indies, and without any exception as to the Spanish West-Indies, or any other restraint on the ships of war and merchant ships, than not to buy any thing besides victuals and materials for repairing their ships," which implied a permission to vend their merchandizes for ready money; so that it was manifest, that the subjects of the Austrian Low-Countries were allowed more extensive privileges than ever had been granted to any other nation, contrary to several treaties in force between the crowns of Great Britain and Spain.

Mr. *Shippen* raised an objection to the treaty of Hanover, viz. That it would engage the British nation in a war, for the defence of his Majesty's dominions in Germany, contrary to an express provision made for the securing our religion, laws and liberties, in the Act, 'For 'farther Limitation and Succession of the 'Crown in the Protestant line;' which, being the basis and foundation of the present Settlement, was become part of our constitution, and therefore ought to be sacred and inviolable. He was answered by

Mr. *Henry Pelham*, who urged, That the true meaning and intent of that limitation was not wholly and for ever to deprive his Majesty's foreign dominions of any assistance from this nation; for if so, his Majesty in that respect would be in a worse condition upon his accession to the British throne than he was before; but only to restrain the sovereign, for the future, from engaging the nation, at his pleasure, in a war for the defence of any dominions not belonging to the crown of England, without the consent of parliament, to whom the legislature wisely left to judge and determine whether such a war was just and necessary or no? That for his own part, he was fully of opinion, that if in the present juncture and circumstances of affairs, his Majesty's foreign dominions should be attacked or insulted, this nation ought to stand by and support his Majesty against all his enemies whatsoever. And therefore he moved, That an humble Address be presented to his Majesty to return his Majesty the thanks of this House for his great goodness in communicating the Treaties of Peace and Commerce con-

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cluded between the emperor and the king of Spain, and the defensive alliance between his Majesty, the most Christian king, and the king of Prussia, to express our just sense of his Majesty's concern for the balance and peace of Europe, and the Protestant religion; and, above all, our unfeigned gratitude for his earnest and seasonable care of the particular interest of his British subjects, by forming and entering into the said defensive alliance with the most Christian king and the king of Prussia, in order to obviate and disappoint the dangerous views and consequences of the treaty of peace betwixt the emperor and the king of Spain; and to preserve the many valuable rights and privileges of this nation, against the fatal tendency of the said Treaty of Commerce, calculated for the entire destruction of the British trade, in breach of several solemn Treaties now in force. To acknowledge his Majesty's prudence and resolution, in not letting any attempts or insinuations whatsoever divert his Majesty from consulting and steadily pursuing the true interest of these his kingdoms; and to assure his Majesty, that in justice to and vindication of the honour and dignity of the British crown, this House will effectually stand by and support his Majesty against all insults and attacks, that any prince or power, in resentment of the just measures which his Majesty has so wisely taken, shall make upon any of his Majesty's territories or dominions, though not belonging to the crown of Great Britain."

This motion was seconded by Mr. Doddington; but Dr. Friend and Mr. Foley raised some objections to it. They were answered by sir Joseph Jekyll, who was replied to by sir Thomas Pengelly. After him

The lord *Finch* stood up, and made a short panegyric on his Majesty's illustrious family; which his lordship observed had ever been the bulwark of the reformation; and took notice of the great sufferings of the excellent princess Elizabeth, daughter to king James 1, queen of Bohemia, and his Majesty's grand-mother, upon account of the Protestant religion. Concluding, that his Majesty seemed to have been led to the British throne by the hands of Providence, as a reward for the piety of his ancestors.

Mr. *William Pulteney* spoke against the motion and suggested, That the imperial court's backwardness in granting the investiture for Bremen and Verden, might have been one of the motives to some late measures. Upon this

Sir *Robert Walpole* stood up and assured the House. That his Majesty might long ago have had the same investiture, if he would have paid the exorbitant fees that were demanded for it.

Upon the whole matter, the question being put on Mr. Pelham's motion, it was carried in the affirmative by 285 voices against 107, and a Committee was appointed to draw up an Address according to the said Resolution. The next day, Mr. Pelham reported the said Address, which was agreed to.

The Commons' Address of Thanks to the King, for communicating the Treaties.] Feb. 19. The Commons presented the said Address to his Majesty as follows:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, beg leave to return your Majesty our most humble thanks for your great goodness, in communicating to us the Treaties of Peace and Commerce concluded between the emperor and the king of Spain, and the Defensive Alliance between your Majesty, the most Christian king, and the king of Prussia.

"The engagements which your Majesty has entered into by the said Defensive Alliance with the most Christian king and the king of Prussia, in order to obviate and disappoint the dangerous views and consequences of the Treaty of Peace between the emperor and the king of Spain, and to preserve the many valuable rights and privileges of this nation against the fatal tendency of the said Treaty of Commerce, calculated for the entire destruction of the chief branches of the British trade, and in breach of the several solemn Treaties now in force, call upon us to express our most unfeigned and grateful sense of your Majesty's concern for the preservation of the balance and peace of Europe, the Protestant religion, and the particular interest of your British subjects.

"And when we reflect upon your Majesty's prudence and resolution, in not letting any attempts or insinuations whatsoever divert you from consulting and steadily pursuing the good and welfare of these your kingdoms; we think ourselves obliged, by the strongest ties of duty and affection, to assure your Majesty, that we will, in justice to and vindication of the honour and dignity of the British crown, stand by and support your Majesty against all insults and attacks, that any prince or power, in resentment of the just measures which your Majesty has so wisely taken, shall make upon any of your Majesty's territories or dominions, though not belonging to the crown of Great Britain."

The King's Answer.] To which the King returned the following Answer:

"Gentlemen;

"I return you my thanks for this particular mark of your duty, affection and confidence in me. Your assurances not to suffer my foreign dominions to be exposed or insulted, on account of the measures I have taken for the interest of these kingdoms, will, I hope, be a means to preserve the peace and tranquillity of Europe. I have no views of ambition to gratify; I have no thoughts of aggrandising myself, or extending any parts of my dominions, at the hazard and expence of the other; and as my honour is the common cause and concern of my subjects, their particular inter-

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ests shall, upon all occasions, be my constant care."

Debate in the Lords on the said Treaties.] Feb. 17. The Lords took into consideration the said Treaties. After the reading thereof

Lord *Townshend* moved, "That an Address be presented to his Majesty, to return the Thanks of this House for communicating the Treaties of Peace and Commerce concluded between the emperor and the king of Spain, and the Defensive Alliance between his Majesty, the most Christian King, and the king of Prussia. To express their just sense of his Majesty's concern for the balance and peace of Europe, and the Protestant Religion; and their unfeigned gratitude for his earnest and seasonable care of the particular interests of his British subjects, by forming and entering into the said Defensive Alliance with the most Christian King and the king of Prussia, in order to obviate and disappoint the dangerous views and consequences of the Treaty of Peace betwixt the emperor and the king of Spain; and to preserve the many valuable rights and privileges of this nation, against the fatal tendency of the said Treaty of Commerce, calculated for the entire destruction of the British trade, in breach of several solemn treaties now in force. To acknowledge his Majesty's prudence and resolution, in not letting any attempts or insinuations whatsoever divert his Majesty from consulting and steadily pursuing the true interest of these his kingdoms; and to assure his Majesty, that in justice and vindication of the honour and dignity of the British crown, this House will effectually stand by and support his Majesty against all insults and attacks, that any prince or power, in resentment of the just measures which his Majesty has so wisely taken, shall make upon any of his Majesty's territories or dominions, though not belonging to the crown of Great Britain."

The Duke of *Newcastle* seconded the motion, and took that opportunity of acquainting the House with a remarkable passage out of a Letter from Mr. Stanhope, his Majesty's Minister in Spain, viz. "That in a private conversation, the duke of Ripperda had not scrupled to own, that besides what had already been communicated to him about the late treaties of Vienna, there were still some other secret Articles, which, in due time, should be made public, whereby the contracting parties mutually engaged to assist each other with a certain number of troops, in order to support the Ostend Company, and to recover Gibraltar." His grace being asked, whether he would produce that letter? He said, he had not the King's commands for it; but was only left at liberty to take notice of what he had already mentioned. Hereupon

The Lord *Lechmere* observed, That no stress could be laid on, or any judgment made of an information that did not come regularly and in form before the House: that besides it was usual with ministers of state, sometimes to drop things that have no reality in common conversation, only to sound those with whom they negotiate: that the treaties that had been communicated to them, being a matter of the nicest nature, and greatest importance, they ought to proceed in it with the utmost caution, and maturest deliberation, and therefore he was of opinion, they ought to take some time to consider of it, and adjourn the debate to another day. He was answered by the earl of Scarborough, and the question being put upon the motion for an Address, it was carried without a division.

Lord Lechmere's Motion for a Clause to be added to the said Address, relating to the King's German Dominions.] After this,

Lord *Lechmere* stood up, and declared, That he would go as far as any member of that illustrious assembly, in vindicating the honour and dignity of the British Crown, and in supporting and defending his Majesty's person and government: that as their present and future happiness depended, next under God, on the settlement of the crown of these realms on his Majesty and his royal issue, they ought to be extreme cautious of any the least derogation from the Act of Parliament by which that happy settlement was made; and therefore he was of opinion, and moved, that to the said Resolution for an Address, the following words be added, "This House not doubting but your Majesty, in your great wisdom and justice to these your kingdoms, will always preserve to them the full and entire benefit of the provision made for the farther securing our religion, laws and liberties, by an act passed in the 12th and 13th years of the reign of his late Majesty king William 3, of glorious memory, whereby it is enacted, 'That in case the crown and 'imperial dignity of this realm shall hereafter 'come to any person not being a native of this 'kingdom of England, this nation be not 'obliged to engage in any war for the defence 'of any dominions or territories which do not 'belong to the crown of England, without the 'consent of Parliament.'"

Lord Lechmere was seconded by

The Earl of *Strafford*, who urged, That the Clause in the Act of Parliament referred to in the addition proposed, being passed into a law, upon so solemn an occasion, as the settling the crown of these kingdoms, and having since been re-enacted upon another very solemn occasion, was become a fundamental and sacred part of the constitution of the united kingdom upon the strict and inviolable observance of which the farther tranquillity of these nations, and the properties of the subjects of Great Britain greatly depended: that, indeed, a case may happen, wherein the consent of the House of Lords to engage this nation in a war in defence of his Majesty's dominions in Germany, may be both just and necessary, but that it being reserved to both Houses of Parliament, by the law abovementioned to deliberate and advise upon all the circumstances, and there-

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upon to consent to the justice of the cause for such a war; he was convinced, that the words proposed ought to have been added to the Resolution; the rather, because the said words import the most dutiful and entire confidence in his Majesty's wisdom, and his justice to these kingdoms in that respect; and would have prevented any jealousies which might arise in the minds of the subjects of this realm, in a matter of such high importance.

Protest on the said Clause being rejected.] But the question being put, That the said Words be made part of the Resolution? It was carried in the negative by 94 votes against 15.

"Dissentient'

1. "The Clause of the Act of Parliament referred to in the Words proposed to be added, being passed into a law upon the solemn occasion of settling the crown of these realms upon his Majesty and his royal issue, and the same provision, with others, in that Act made, having been since re-enacted by Parliament upon another very solemn occasion, we are of opinion, that it is hereby become a fundamental and a very sacred part of the constitution of the United Kingdom, upon the strict and unviolable observance of which the future tranquillity of this nation, and the properties of the subjects of Great Britain, may, in our opinions, greatly depend; and therefore we thought the Words proposed, fit to be added to a Resolution of this House, wherein the defence of his Majesty's dominions and territories, not belonging to the crown of these realms, is, as we conceive, in some measure engaged for.

2. "We are of opinion, that the unfeigned zeal constantly shewn by this House in defence of his Majesty's sacred person, and the honour and true interest of his government, can never fail to exert itself in vindication of his Majesty's honour against all insults and indignities whatsoever; and though we are far from thinking but that a case may arise, wherein the consent of this House to engage this nation in a war in defence of his Majesty's dominions in Germany may be both just and necessary, yet it being, in our judgments, reserved to both Houses of Parliament, by the laws above mentioned, to deliberate and advise upon all the circumstances, and thereupon to consent to the justice of the cause whereby this nation shall at any time be engaged in a war upon that account, we are therefore convinced, that the Words proposed ought to have been added to the Resolution.

3. "And the rather, because the Words proposed to be added import the most dutiful and entire confidence in his Majesty's wisdom, and his justice to these kingdoms in that respect; and therefore, if they had been added to the Resolution of this House at this critical juncture, would, as we conceive, have prevented any jealousies which might happen to arise in the minds of the subjects of this realm, in a matter which we think to be of such high importance to them." *(Signed,)* Strafford, Lechmere, Compton, Scarsdale, Litchfield, Craven, Bristol, Aberdeen.

The Lords' Address of Thanks.] The next day the House of Lords waited on the King with their Address as follows:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects the Lords Spiritual and Temporal in Parliament assembled, humbly beg leave to return your Majesty our most hearty thanks for your most gracious condescension in laying the Treaties of Peace and Commerce made at Vienna, between his Imperial Majesty and the King of Spain, and the Defensive Alliance concluded between your Majesty, the most Christian King, and the king of Prussia, before this House.

"The said Treaty of Commerce plainly appears to us, upon our most mature consideration thereof, to have been calculated with a view to put the trade of the Spanish East and West Indies entirely into the hands of his Imperial Majesty's subjects, contrary to the Barrier Treaty made between the Emperor and the States General, to which your Majesty, at their request, became guarantee; as well as in breach of many solemn treaties and engagements to the contrary, between the crowns of Great Britain and Spain, and to the inexpressible damage of the subjects of this realm.

"We cannot sufficiently express our sense of the infinite obligations we lie under to your Majesty, for your care to the Protestant interest abroad, and of the trade of this nation, by concluding at so critical a juncture the above mentioned Defensive Alliance, highly necessary for maintaining the ballance of Europe, as well as for the preserving many valuable rights, immunities, and advantages relating to the trade of Great Britain; and we assure your Majesty, that we will stand by and support your Majesty, to the utmost of our power, in the engagements you have entered into by this Treaty, and in the prosecution of such farther measures as your Majesty in your great wisdom shall think proper, for preventing the ill consequences to the trade of this kingdom, by the above-mentioned Treaty of Commerce.

"We most humbly acknowledge your Majesty's goodness in not suffering yourself to be diverted through any suggestions or insinuations whatsoever, from a work so necessary to the welfare of your British subjects.

"They must have the meanest thoughts of this nation, who can imagine us capable of tamely suffering any insult or indignity to be offered to your Majesty, on account of your Majesty's firmness in maintaining the true interest and happiness of your people: But justice, gratitude, and honour fill our hearts with very different sentiments, and make it our indispensible duty to assure your Majesty, upon this occasion, That if your Majesty shall be at

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any time insulted or attacked by any prince or state whatsoever, in any part of your Majesty's dominions or territories, not belonging to the crown of Great Britain, in resentment of such measures as your Majesty has taken for preserving and maintaining the trade and safety of this kingdom, and of your Majesty's having entered into the said defensive alliance for that purpose; we are fully determined, in vindication of your Majesty's honour, to exert ourselves to the utmost in defending and protecting such dominions from any such insults and attacks."

The King's Answer.] His Majesty's Answer was as follows:

"My Lords;

"I thank you kindly for this most seasonable and loyal Address; the true concern you shew for your country is no less acceptable to me, than the regard you express for my honour. The assurances you give me in relation to my territories abroad, will, I am persuaded, contribute very much to the preserving the public peace of Europe; and you may depend upon my making no other use of that confidence, which is so firmly established between us, than to maintain and promote the welfare of this kingdom."

Petition of R. Hampden, Esq. for a Bill to impower the Lords of the Treasury to compound with him for the Debt he owed to the Crown.] March 2. A Petition of Richard Hampden, esq. member for Wendover, was presented to the House, and read, praying, That leave might be given to bring in a Bill, "To impower the Lords' Commissioners of his Majesty's Treasury to compound with the Petitioner, for the Debt due from him to the crown." Sir Robert Walpole having acquainted the House, that the Petitioner had applied to the King, and that his Majesty had commanded him to acquaint the House, that his Majesty gave his consent, that the House might do therein as they thought fit; the said Petition was thereupon referred to the consideration of a Committee of the whole House, on the 11th instant.

Petition of Sir T. Lowther, for purchasing the Reversion, in Fee, of his Estate held by Grant from the Crown.] A Petition of sir Tho. Lowther, bart. was presented to the House and read; setting forth, "That the site of the dissolved monastery of Furneis in Lancashire and lands thereto belonging were formerly the estate of the Preston family. That in 1674, this estate was enjoyed by sir Thomas Preston, a Papist, who, to prevent its descending to the Petitioner's grandfather, conveyed the same to trustees for superstitious uses. That the Petitioner and his ancestors have been at considerable charges, in maintaining their own and in recovering the crown's title to the said estate: That the Petitioner now enjoys the said estate by a lease, for 31 years, of which 22 are yet to come; and praying, That as this estate was the family estate, of which they were deprived for the adherence of the Petitioner's grandfather to the Protestant religion; and in regard of the great expence the Petitioner's family have been at in recovering and maintaining the right of the crown, That leave might be given to bring in a Bill to enable his Majesty to grant the Inheritance of the said Estate to the Petitioner, upon his paying such consideration as, according to the nature of the case, should be reasonable."

Hereupon sir Robert Walpole having informed the House that his Majesty gave his consent to the bringing in such a Bill as was desired by the Petition; a Bill was ordered to be brought in accordingly.

A Petition of Sir Orlando Bridgman to the same purpose.] March 7. A Petition of sir Orlando Bridgman, bart. was presented to the House and read; praying, "That leave may be given to bring in a Bill to enable him to purchase the reversion in fee of Bowood Park in Wiltshire, which had been granted for a term of years to his grandfather sir Orlando Bridgman, Lord Chief Justice of the Common Pleas, by king Charles 2. on payment of such consideration for the same, as shall be set by his Majesty's surveyor general."

Sir Robert Walpole having thereupon acquainted the House, that his Majesty gave his consent to the bringing in such a Bill, as was desired by the Petition, the said Bill was ordered to be brought in accordingly.

Upon occasion of sir Orlando Bridgman and sir Thomas Lowther's Petitions, Mr. Hungerford represented, That through the generosity and bounty of his Majesty's royal predecessors, the ancient demesne of the crown had been so curtailed and diminished, that little was left of it; that therefore it was high time to think of some means or other to recover, at least, so much of it as reverted to the crown, by the determination of former grants; that 'twas well known how apt the best of princes are to yield to the importunities of courtiers, even to the detriment of their own families and successors; and therefore he moved, "That the House would receive no more Petitions for enabling his Majesty to sell the reversion of lands held of the crown." He was seconded by Mr. Freeman; and nobody opposing that motion, it passed into a resolution.

Debate on Mr. Hampden's Petition.] March 11. The Commons went into a Committee of the whole House, to consider of the Petition of Richard Hampden, esq. After the reading of which sir William Yonge, who had brought it in, spoke in his behalf, but was opposed by sir Thomas Hanmer, Mr. Bromley, Mr. Shippen, Mr. Hungerford, and others; who made just reflections on the crime of mismanaging and imbezzelling public money. This charge was much aggravated by what

Sir *John Eyles*, Sub-Governor of the South Sea Company, declared, That it appeared by the balanced accounts of Mr. Hawes, one of the late Directors, that Mr. Hampden was so

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far from being a sufferer in the South Sea Project, that he was rather upwards of 9,000*l.* gainer. Hereupon

Mr. *Arthur Onslow* said, That out of regard to his ancient family, and, in particular, in consideration of his great grandfather, who made a most noble and courageous stand against arbitrary power in opposing Ship Money, and fell the first victim in the glorious cause of liberty, he was for having something done for his relations: To which

Mr. *Shippen* replied, That he would not enter upon the merits of the great grandfather; but this he was sure of, that his great grandson had wasted more Ship Money than ever himself saved to the nation, or king Charles 1 intended to raise.

Other members spoke against the granting Mr. Hampden's Petition, because it would be a dangerous precedent; and 'twas to be feared, that several others in the like circumstances might expect the same favour. Upon this

Sir *Robert Walpole* declared, That he would never give his vote in favour of any body that embezzled public money: but took notice, that they could not come to any determination in this affair, before they had looked into some papers, particularly the state of Mr. Hampden's final account.

Hereupon Mr. Speaker resumed the chair, and then the further consideration of Mr. Hampden's Petition was put off to the 16th instant.

March 23. The Commons went into a Committee of the whole House, to consider farther of the Petitions of Richard Hampden, esq. his wife, and his brother, which occasioned a very high debate. After the reading of several Papers,

Sir *William Yonge* took notice, That Mr. Hampden's deficiency had, in some measure, been occasioned by a general calamity; that he had already done all that lay in his power to make it up; that however, since neither his wife nor his brother, had any ways been accessary to his misfortunes, it were unreasonable and unjust to involve them in his offence and its punishment; that his real and patrimonial estate amounted to about 2,200*l.* per annum, one full half of which was settled for a jointure to his wife, who brought him near 11,000*l.* in marriage, besides an annuity of 200*l.* per ann. during her life, for her separate use, all which settlements ought to be secured to her; that either Mr. Richard Hampden, or his brother may have issue male; and in consideration of the signal services, at divers times, performed by their illustrious ancestors, some provision should be made for their posterity out of the family estate: And therefore he moved, That a Bill be brought in, "For vesting the real and personal estates of Richard Hampden, esq. in Trustees for making some provision for his wife and family, and for the better securing the debt due from him to the crown."

This motion was seconded by sir John Hobart, and backed by Mr. William-Peer Williams; but

Mr. *Clayton* represented, That, if this affair went through the usual tedious course of extents in the Exchequer, great part of Mr. Hampden's estate would be consumed in law expences, so that the crown would never get 200*l.* a year out of it: And therefore he proposed that the said estate should be divided into two equal parts, one of which should be allotted as a provision for his wife and family; and the other half immediately sold off, towards satisfying the debt due from him to the crown.

Many members shewed their approbation of this proposal: but the majority were for sir William Yonge's motion; and the Speaker having resumed the chair, a Bill was ordered to be brought in accordingly; which afterwards passed into a law.

The King's Message for an Additional Number of Seamen.] March 24. Mr. Methuen acquainted the Commons, That he had a Message from his Majesty to the House, signed by his Majesty, and he delivered the same to Mr. Speaker, who read it as follows:

"G. R.

"His Majesty having nothing more at heart, than an earnest desire to secure to his own subjects the full and free enjoyment of their trade and navigation, and in the best manner, to prevent and frustrate such designs as have been formed against the particular interest of this nation, and the general peace of Europe, has found it necessary, not only to augment his Maritime force, but to concert such other measures, as may most effectually conduce to these desirable ends; and as these services will require some extraordinary Expence, his Majesty hopes he shall be enabled, by the assistance of Parliament, to increase the number of Seamen already voted and granted for the service of this year, and to enter into, and make good, such engagements as the circumstances and exigency of affairs may require."

Debate thereon.] After the reading of this Message,

Mr. *Shippen* took notice, That this Message had all the air of another sent to them about the beginning of April, 1717, importing in substance, 'That his Majesty being desirous, 'not only to secure his kingdom against the 'present danger from Sweden, but likewise to 'prevent the like apprehensions for the future, 'had thought it necessary early to concert 'measures with other princes and states; and 'as this might require some expence, his Ma'jesty hoped, that the Commons, by their as'sistance at this juncture, would enable him to 'make good such engagements as might ease 'his people of all future charge and apprehen'sions upon that account.' * That he remembered, so unexpected and so unprecedented a Message was received with great surprize, and

* See vol. 7. pp. 435, 440.

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occasioned very high and long debates in that House; that he himself represented and urged the unparliamentariness of asking and granting Supplies, without an Estimate of the expence; and had the honour to be then supported by a great many worthy gentlemen, and by some in particular, who seemed now to be of another opinion. That after much opposition, it was at last carried, by a majority of four voices only,* to grant his Majesty a Supply, which was afterwards fixed at 250,000*l.* But that they could never know how that money had been laid out; and therefore he moved, "That an humble Address be presented to his Majesty, that he would be graciously pleased to direct the proper officers to lay before the House an Account of the Disposition of the 250,000*l.* granted to his Majesty, on the 13th of April, 1717, to enable his Majesty to concert such measures with foreign princes and States, as might prevent any charge or apprehensions from the designs of Sweden." This motion was seconded by Mr. Snell; but the previous question being put, that the question be now put upon the said motion, it was carried in the negative.

March 25. The Commons proceeded to take into consideration his Majesty's most gracious Message of the day before, which being read again by Mr. Speaker,

Sir *William Yonge* opened the debate, and having shewed the necessity of an extraordinary Supply, moved, "That an humble Address be presented to his Majesty, that he will be pleased to make such an addition to the number of Seamen already voted, and to concert such other measures, as his Majesty shall in his great wisdom think will best conduce to the security of the trade and navigation of this kingdom, and to the preservation of the peace of Europe; and to assure his Majesty, that this House will effectually provide for, and make good, all such expences and engagements as shall be made for obtaining these great and desirable ends."

This motion was seconded by Mr. Henry Pelham, but was opposed by sir Wilfrid Lawson, Mr. Shippen, Mr. Snell, Mr. William Pulteney, sir William Wyndham, sir Joseph Jekyll, Mr. Hungerford, Mr. Daniel Pulteney, Mr. Freeman, Mr. Sandys, Mr. Lutwyche, and sir John Rushout. Sir William Yonge's motion being on the other hand supported by sir Robert Walpole, Mr. Edward Thompson, Mr. Onslow, lord Finch, sir William Strickland, Mr. Doddington, and Mr. Thomas Lewis, member for Southampton; the question was put upon sir W. Yonge's motion, which was carried in the affirmative, by 270 votes against 89, and then it was resolved, That the said Resolution, by way of Address, be presented to his Majesty by the whole House; which being done accordingly the next day, his Majesty was pleased to return the following Answer:

"Gentlemen;

"I return you my thanks for this loyal and affectionate Address; and you may be assured, I shall make no other use of the confidence you repose in me, but for preserving the general tranquillity, and in support of the trade, honour, and interest of my people."

The Earl of Strafford complains of a Message for an Additional Number of Seamen being sent to the Commons only.] April 20. On the 24th of March last, his Majesty having sent a Message to the House of Commons, importing, 'That he hoped he should be enabled by the 'assistance of his parliament, to increase the 'number of Seamen already voted;' and the said Message not having been communicated to the House of Peers, the earl of Strafford took notice of it; and upon his motion, this day being appointed for taking the said Message into consideration, his lordship endeavoured to shew, That the same was unprecedented, and struck at the ancient privileges of the House of Peers, who are the grand standing council of the sovereign; the hereditary guardians of the liberties and properties of the people, and next the king, the principal part of the legislature, and who therefore have a right to be consulted in all matters of public concern. Concluding, That an Address be presented to his Majesty, to know who advised his Majesty not to send the same Message to the House of Peers, as was sent to the House of Commons.

Lord Trevor moves to adjourn the Consideration thereof for a Month.] Hereupon the Lord *Trevor* moved, That the farther consideration of that matter be adjourned for a Month; and was seconded by the duke of Devonshire: To this

Lord *Lechmere* replied, That the subject of this debate was of so great consequence to his Majesty's service; to the honour of that assembly; to the ancient constitution of parliament; and to the prosperity of the kingdom, that it ought not to be postponed at all, much less for such a length of time, as amounted to a laying it entirely aside. That it must be for the service of the crown, upon all occasions, to have the advice of both Houses of Parliament; and as the Message in question was only sent to the Commons, and there had not yet been any communication with their lordships upon it, though it contained matters of the highest importance, it tended to undermine the very foundation of the House of Peers, and of the ancient constitution of the kingdom. That the rights of the people of England were, in some measure, invaded, whenever they were deprived of the assistance of that House of Parliament, without whom no aid can be given to the crown, nor any taxes laid on the subjects: And therefore if this debate should be adjourned to so long a day, it might be inferred from such a dilatory proceeding, that their lordships were not as jealous of their own privileges, and of the rights and properties of the people, and as much deter-

* See vol. 7, pp. 435, 440.

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mined to support and defend them, as any of their predecessors: That it was the undoubted, and inherent right of the House of Peers, to alter and amend all Money-Bills which came from the Commons; and though in some late instances, the Commons had disputed that right; yet the Lords had never failed to assert it. That, according to ancient usage, all demands of supply should come from the throne in the House of Peers, and therefore all other methods are unparliamentary, new and dangerous to the constitution. All which assertions his lordship corroborated by several precedents upon record, which, at his desire, were ordered to be read.

Lord Lechmere was answered by the Lords Onslow and Townshend: but they were replied to by

Lord *Bathurst*, who toook notice, That the appellation of Parliament being given to the Commons separately from the Lords, was entirely unprecedented; that this was so far from being the language of former times, that though of late the Commons took upon them to begin all Money Bills, yet there was a time when they were so inconsiderable, as to apply to the Lords, to desire them to provide money for the public service; that if the Lords suffered themselves to be overlooked in this manner, they might come, at last, to be voted useless, as they had formerly been: And therefore lest any mistake of this kind should be attended with such ill consequence, his lordship was of opinion, that proper notice should be taken of it immediately, instead of deferring the farther consideration of it for a month. Hereupon

The Earl of *Scarborough* stood up, and said, That he did not deny, that the peers have a right to be advised with, in all matters of importance, and to give their consent to Money Bills: but, that in the case before them, it seemed needless to send the Message to their House, because their lordships had implicitly given their consent to the augmenting the number of Seamen, in their Address of Thanks to his Majesty, wherein the said augmentation was hinted at: that indeed formerly the Commons applied to the Lords to provide money for the public service; because, at that time, none else had any money to give, most of the lands being then in their hands; whereas since the reigns of Henry 7 and Henry 8 the case is very much altered; and that therefore they ought not to consider how things were formerly, but how they are at present, and so act as they find them.

Protest on Lord Trevor's Motion being agreed to.] At last, the question being put upon the lord Trevor's motion, it was carried in the affirmative, by 59 against 31.

"Dissentient'

1. "Because we conceive the subject matter of this debate to be of so great consequence to his Majesty's service, to the honour of this House, to the constitution of parliament, and to the prosperity of the kingdom, that it ought not to have been postponed at all, much less for such a length of time; It must be for the service and support of the crown to have the advice of both Houses of Parliament upon all occasions; and as the Message taken notice of was only sent to the House of Commons, there has hitherto been no communication with this House thereupon, though it contains matters of the highest importance; and we conceive, that it tends to undermine the very foundation of this House, when the lower House is alone advised with upon any matter which concerns the interest of the whole kingdom.

2. "As this House has always been esteemed the hereditary and perpetual guardians of the liberties and properties of the people, they ought not to be excluded from giving their advice in all matters of public concern; and the rights of the people of England are, as we apprehend, invaded, whenever they are deprived of the assistance of this House of Parliament, without whom no aids can be given to the crown, nor no taxes imposed on the people; therefore as we conceive, this Message being sent to the House of Commons only, tends to subvert those rights: We think this debate should not have been adjourned, lest any inference should be drawn from this dilatory proceeding, that this House is not as jealous of their rights and privileges at this time, and as much determined to support them, as any of their ancestors have formerly been.

3. "Since it cannot be doubted, that it is an inherent and fundamental right in this House to alter and amend all Money Bills which come from the Commons, we cannot but apprehend also, that demands of supply should come from the throne in this House of Parliament, according to ancient usage; and we conceive, all other methods of demanding supplies are new, and must be dangerous to the constitution.

4. "Because there is an expression in the Message which we apprehend to be entirely unprecedented, and never before used in any Message to the House of Commons, the appellation of Parliament being given to them separately from this House; and therefore, lest any mistake of this kind should be attended with such ill consequences as to encourage evil ministers hereafter to a total neglect of this House, we conceive, that proper notice should have been taken of it immediately, without deferring the further consideration thereof for a month. ——(*Signed*), Scarsdale, Aberdeen, Strafford, Coventry, Gower, Ashburnham, Boyle, Compton, Exeter, Craven, Bruce, Litchfield, Montjoy, Lechmere, Warrington, Bathurst, Uxbridge, Foley."

May 18. The order of the day being read for taking into farther consideration that part of the printed Votes of the House of Commons, of the 24th of March 1725, purporting to be a Message to that House from his Majesty, under

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his royal sign manual: And the same le read by the clerk, after debate it was ordered, That the farther consideration of that part of the said printed Votes be adjourned to this day fortnight.

Then the House being moved, "That an Address be presented to his Majesty, representing the fatal consequences which must happen to this kingdom, when any advice shall be given to the crown, whereby the council and assistance of this House shall not be asked, at the same time that the council and assistance of the House of Commons shall be asked, in matters which concern the peace and safety of this kingdom, and most earnestly to beseech his Majesty, that he will, for the future, discourage all such councils as shall tend, in so unwarrantable and dangerous a manner, to the destruction of the rights of this House." After debate, the question was put, Whether such an Address shall be presented to his Majesty? It was resolved in the negative.

"Dissentient', Lechmere, Montjoy."

A Bill to prevent Bribery at Elections passes the Commons, but is thrown out in the Lords.] April 27. Upon a motion made by sir John Rushout, and seconded by sir Thomas Coke and Mr. Arthur Onslow, a Bill was ordered to be brought in, 'For the more effectual pre-'venting Bribery and Corruption in the elec-'tion of Members to serve in Parliament.'

April 29. The said Bill was read the first time.

May 18. The said Bill being read a second time in the Lords, it being proposed, that the House be put into a Committee on the said Bill to-morrow; the same was objected to. After debate, the question was put, Whether this House shall be put into a Committee on the said Bill to-morrow? It was resolved in the Negative.

"Dissentient' Warrington, Lechmere, Montjoy, Gower, Foley, Bathurst."

Mr. John Ward expelled for Forgery.] May 13th. The House of Commons being informed, that Mr. Harcourt, secondary of the crown side of the court of King's-bench, attended at the door; he was called in: and, at the Bar, presented to the House a copy of the Record of the Proceedings upon the Information in the Court of King's-bench against John Ward, esq.* a member of this House.

Ordered, that the said copy of the Record of the said Proceedings be taken into consideration upon Monday. Also, that John Ward, esq., a member of this House, do attend in his place, upon Monday next.

May 16. The order for taking into consideration the copy of the Record of the Proceedings upon the Information in the Court of King's-bench against John Ward, esq. a member of this House; and also for the said Mr. Ward's attending in his place; being read: and the said Mr. Ward not attending in his place, pursuant to the said order; Thomas Hollingshead, one of the messengers belonging to the Serjeant at Arms attending this House, was called in; and, being examined, gave the House an account of his leaving copies of the said Orders at the said Mr. Ward's house in London, and at his house at Hackney; and that, upon inquiry after the said Mr. Ward, he was informed, that the said Mr. Ward was gone from his said houses; and that he could get no farther account of him.

Then the said copy of the Record of the said Proceedings in the Court of King's-bench was read; and it appearing to the House by the said Record, that John Ward, esq. a member of this House, upon an Information in the Court of King's-bench exhibited against him, by the name of John Ward, of Hackney, in the county of Middlesex, esq. hath, this present Easter Term, been convicted of the crime of Forgery.

Resolved *nem. con.* That the said John Ward esq. be expelled this House.

The King's Speech at the Close of the Session.] May 24. The King came to the House of Peers, with the usual state, and the Commons being sent for up and attending, his Majesty gave the royal assent to several public and private Bills. After which, the Lord Chancellor read his Majesty's Speech to both Houses, as follows:

"My Lords and Gentlemen;

"I cannot in justice to you put an end to this session, without returning you my hearty thanks for the many instances you have given

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* "Like Doctors thus, when much dispute has past,
"We find our tenets just the same at last:
"Both fairly owning, Riches, in effect,
"No grace of Heav'n or token of th' Elect;
"Giv'n to the fool, the mad, the vain, the evil,
"To Ward, to Waters, Chartres, and the Devil."

"John Ward of Hackney, esq. member of Parliament, being prosecuted by the Duchess of Buckingham, and convicted of forgery, was first expelled the House, and then stood on the pillory on the 17th of March, 1727. He was suspected of joining in a conveyance with Sir John Blunt, to secrete 50,000*l.* of that Directors estate forfeited to the South Sea Company by act of parliament. The Company recovered the 50,000*l.* against Ward; but he set up prior conveyances of his real estate to his brother and son, and concealed all his personal, which was computed to be 150,000*l.* These conveyances being also set aside by a bill in Chancery, Ward was imprisoned, and hazarded the forfeiture of his life, by not giving in his effects till the last day, which was that of his examination. During his confinement, his amusement was to give poison to dogs and cats, and see them expire by slower or quicker torments. To sum up the *worth* of this gentleman, at the several æras of his life: at his standing in the pillory, he was worth above 200,000*l.*; at his commitment to prison, he was worth 150,000*l.*; but has been since so far diminished in his reputation, as to be thought a *worse man* by fifty or sixty thousand!" Pope.

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me of your duty and affection to my person and government, and of your zeal to maintain the honour and true interest of this kingdom.

"The spirit and resolution you have shewn on this important occasion, when our most valuable rights and privileges have been struck at, are highly becoming the weight and authority of a British parliament; and the steps that have been taken abroad, in support of the measures entered into against this nation, must convince every body of your wisdom and prudence in endeavouring to put an early stop to the farther progress of them. I hope the precautions you have enabled me to take, will be sufficient, in conjunction with my allies, to defeat the designs which have been formed against us; and that the promoters of them, when they have fully weighed their own circumstances, and better considered those of the several powers united in defence of the tranquillity and liberties of Europe, will find it their own interest to preserve the peace, and think it most safe and prudent to desist from their dangerous schemes.

"Gentlemen of the House of Commons;

"I return you my particular thanks for the Supplies which you have so chearfully and effectually raised; and you may be assured, that they shall be faithfully applied to the uses for which you intended them.

"My Lords, and Gentlemen,

"The constant employment of my thoughts, and the most earnest wishes of my heart, tend wholly to the securing to my subjects their just rights and advantages, and to the preserving to them, and to all Europe, the enjoyment of a safe and honourable peace. And I must not conclude without giving you the strongest assurances, that the particular confidence you have placed in me, shall be made use of in such manner only, as may most effectually conduce to the attaining those good and great purposes."

Which being ended; the Lord Chancellor, by his Majesty's command, prorogued the parliament to the 21st of July.

FIFTH SESSION OF THE SIXTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] January 17, 1727. The King came to the House of Peers, and the Commons being sent for up, and attending, his Majesty, by the mouth of the Lord High Chancellor, made the following Speech to both Houses:

"My Lords and Gentlemen,

"I acquainted you last year with the Treaties of Peace and Commerce concluded between the emperor and the king of Spain. As that sudden and unaccountable conjunction gave at the first appearance, just grounds of jealousy and apprehension to the neighbouring powers of Europe, the subsequent proceedings and transactions in those two courts, and the secret and offensive alliances, concluded between them about the same time, have laid the foundations of a most exorbitant and formidable power, and are so directly levelled against the most valuable and darling interests and privileges of this nation, that we must determine either tamely to submit to the peremptory and unjust demands of the king of Spain, in giving up Gibraltar, and patiently to acquiesce in the emperor's usurped and extended exercise of trade and commerce, or must resolve to be in a condition to do ourselves justice, and to defend our undoubted rights against these reciprocal engagements entered into in defiance and violation of all national faith, and the most solemn treaties.

"I have likewise received information from different parts, on which I can entirely depend, that the placing the Pretender upon the throne of this kingdom is one of the Articles of the Secret Engagements *; and if time shall evince, that the giving up the trade of this nation to one power, and Gibraltar and Port-Mahon to another, is made the price and reward of imposing upon this kingdom a Popish Pretender, what an indignation must this raise in the breast of every Protestant Briton!

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* "The Speech from the throne, on this important occasion, contained a remarkable passage: 'I have likewise received informa-'tion, from different parts, on which I can en-'tirely depend, that the placing the Pretender 'upon the throne of this kingdom is one of 'the articles of the secret engagemen's.' This charge, formally announced from the mouth of the King, was as formally disavowed by the emperor, and occasioned his imprudent appeal to the British nation, by the publication of his minister, count Palm's memorial, which roused the spirit of the people, and united all parties in support of the dignity of the throne. This formal charge on one side, and denial on the other, of the two sovereigns, gave rise to a controversy, which occupied the attention of Europe at the period, and is still undecided. Mr. Walpole, whose sagacity and information cannot be disputed, and whose sincerity cannot be questioned, believed the existence of these secret articles; as appears from numerous documents and observations in his own hand-writing, found among his papers, not only during the negociations against Spain and the emperor, but even in the latter period of his life, when he had no views or interests to promote. Perhaps no proof made a stronger impression on his mind than the communication of the secret articles by two Sicilian abbots, of great birth and consequence, who received them from king Philip himself, on the 15th of November 1725, for the purpose of making their observations.

"The spirit of England was roused by the imperious conduct and menaces of the emperor and Spain; and the efforts of parliament co-but his opinion, once formed, he became in-operated with the zeal of the nation." Coxe's Life of Horatio, Lord Walpole, vol. 1, p. 249.

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"Nor were these fatal combinations confined to those parts of the world alone, but they extended themselves into Russia; and had not the designs of that court against some of their neighbours been prevented by the seasonable arrival of our fleet in those seas, a way had been opened for the invading these kingdoms, and giving a powerful assistance to any attempt to be made from other quarters.

"Such circumstances would not suffer me and my allies, among whom there has been and is the most perfect harmony, union, and concert, to be idle spectators, and regardless of our own safety and the common cause of Europe: for which purpose his most Christian Majesty has been at a great expence, this last year, in augmenting his forces; and the States General, sensible of the imminent danger, have not only acceded to the Defensive Alliance concluded at Hanover, but have come to strong and seasonable resolutions for an extraordinary augmentation of their forces both by sea and land. The accession of the crown of Sweden is in such a forwardness, and the negociations with the crown of Denmark are so far advanced, that we may reasonably depend upon the success and good effect of them.

"This short view of the present posture of affairs will, I am confident, not only secure to me the support and assistance of my parliament, in carrying on this great and necessary work, in conjunction with my allies; but justify the measures hitherto taken, and the expences already made.

"The confidence you reposed in me last year has been made use of for the benefit of the public; and as the chief article of exceeding has, by my equipping and sending to sea three considerable squadrons, fallen upon the head of the navy, I am persuaded the necessity of the services, and the security, advantage, and glory that has accrued to this nation from those squadrons, will sufficiently speak for themselves, as long as both friends and foes, with joy, or concern, confess they have seen and felt the effects of the naval power of Great Britain.

"It is not to be wondered at, that the princes engaged in these enterprizes are very much disturbed to see their projects rendered abortive: The king of Spain, impatient of the disappointments he has met with, can no longer disguise that enmity to us, which for some time he has only waited for a favourable opportunity to declare. He has now ordered his minister residing here, to depart immediately from this country, leaving a memorial that is little short of a declaration of war, wherein he again demands and insists upon the restitution of Gibraltar. He does not himself deny the offensive alliance, nor his engagements to support the Ostend company: He makes my recalling those squadrons, which his conduct had put me under a necessity of sending to the West Indies and the coast of Spain, the condition of any farther correspondence between the two crowns; and supposing the continuance of my fleets abroad to be actual hostilities, threatens to repel them with force to the utmost of his power.

"But not content with these menaces, insults, and infractions of treaties, his Catholic Majesty is now making preparations to attack and besiege Gibraltar; and in order to carry on that service, or to cover another design, has assembled a great body of troops in that neighbourhood: But the present state and condition of that garrison, with the reinforcements I have ordered thither, give me little cause to apprehend, or my enemies to hope for success in that undertaking. The certain and undoubted intelligence I have, that it is now resolved to attempt an invasion upon these kingdoms in favour of the Pretender, by an embarkation from the coasts of Spain, gives me reason to believe, that though the siege of Gibraltar may probably be undertaken, the public, avowed, and immense preparations made for that purpose, are chiefly calculated to amuse the world, and to disguise the intended invasion, which, I am surely informed, has been for some time agreed to be the first step and beginning of the long premeditated rupture.

"Gentlemen of the House of Commons,

"These considerations must awaken in you all such a sense of our common and immediate danger, as will, I doubt not, inspire you with a zeal and chearfulness in raising the supplies necessary for the defence of your country, and for making good our engagements with our allies.

"I receive too much satisfaction from the happiness of my people, in their full enjoyment and future prospect of peace, ease, and prosperity, not to be sensibly affected with these new convulsions, and the unavoidable necessity I am under, of asking larger supplies of my people, and of desiring to be enabled to make such an augmentation of my forces, by sea and land, as the present exigency of affairs requires.

"I will order the proper estimates to be laid before you, and such treaties as I have made with foreign princes for the hire of foreign troops; and as the expence I was last year intrusted to make, has amounted to no considerable sum, and the public utility may again require the like services to be performed, I hope you will again repose the same trust and confidence in me.

"It is with great pleasure that I see the time so near approaching when such a considerable addition will be made to the sinking fund: Let all that wish well to the peace and quiet of my government have the satisfaction to see, that our present necessities shall make no interruption in the progress of that desirable work, of gradually discharging the national debt: I hope therefore you will make a provision for the immediate application of the produce of the sinking fund, to the uses for which it was so wisely contrived, and to which it stands now appropriated.

"My Lords and Gentlemen,

"I have had no thoughts of making any acquisitions to any part of my dominions; my whole care and concern has been to preserve

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and maintain the undoubted rights and privileges of my people; and therefore all my measures have been preventive and defensive: But such endeavours being now rendered impracticable, vigorous resolutions, and a speedy execution of them, can alone put an effectual end to the dangers that surround us. However hazardous and desperate the enterprizes formed against us, may appear to be, your being assured that they are resolved upon, will, I am persuaded, be sufficient to prevail upon you, to put yourselves in a condition to resist and defeat them.

"If preserving a due balance of power in Europe, if defending the possessions of the crown of Great Britain, of infinite advantage and security to our trade and commerce, if supporting that trade and commerce against dangerous and unlawful encroachments, and if the present establishment, the religion, liberties, and properties of a Protestant people, are any longer considerations worthy of the care and attention of a British parliament, I need say no more to incite my loyal and faithful Houses of Parliament, to exert themselves in the defence of all that is dear and valuable to them."

The Lords' Address of Thanks.] January 18. The Lords presented the following Address of Thanks:

"Most gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Lord Spiritual and Temporal in Parliament assembled, beg leave to return your Majesty our hearty thanks for your Majesty's most gracious Speech from the throne. We cannot but esteem ourselves in duty bound most humbly and gratefully to acknowledge your Majesty's exceeding goodness, in opening to your Parliament a scene of the highest importance to this kingdom. The world must now be convinced, that the courts of Vienna and Madrid, have laid the foundations of such an exorbitant and formidable power, as may, in time, overturn the balance, and destroy the liberties of Europe. Were we not filled with the deepest resentment at the indignities which have been offered to your Majesty, we should be unworthy of all the blessings we enjoy under your Majesty's most gracious and excellent government. The invasions made upon the rights and privileges of your people, in the most important branches of their commerce; the menaces and insults used towards your Majesty; the peremptory demand of the restitution of Gibraltar, which place, and the island of Minorca, both being of the utmost consequence to your people, were yielded up by the present king of Spain himself, and do indisputably belong to the crown of Great Britain by most solemn treaties: but, above all, the engagements entered into for placing a Popish Pretender upon your throne, must raise the warmest indignation in all those who have the least sense of their duty to the best of sovereigns, and any regard to the Protestant Religion, to the honour, interest, and prosperity of their country. We are truly sensible of the wise measures taken by your Majesty for preventing the dangers which threatned us; your early care in forming and entering into the Defensive Alliance, to which the accession of the States General has added so great a weight; the establishing a perfect harmony, union and concert between your Majesty, the most Christian King, and the States General; the several negociations which your Majesty, in conjunction with your allies, is carrying on with Sweden, Denmark, and other powers; and the shewing the power and influence of your naval force, by the seasonable equipment of three considerable squadrons, are the apparent causes to which, next under God, we owe the preservation of the public peace, and the preventing the execution of those destructive and unjust designs that had been formed against this nation, and the liberties of Europe. The very great satisfaction your Majesty is pleased to express at the happiness of your people, in their full enjoyment of peace, ease, and prosperity; your tender concern, for their sake, at the prospect of any new commotions, and your continual care every where to preserve and maintain the undoubted rights and privileges of all your subjects, cannot but fill their hearts with the most grateful sense of their duty, and raise in them the utmost detestation and contempt of the vain imagination of placing a Popish Pretender on the throne. We do therefore, at this important juncture, most humbly beg leave to assure your Majesty of our steady and unshaken fidelity, and that nothing shall ever divert or deter us from making our strongest efforts, for maintaining your Majesty's undoubted right and title to the crown of this realm, and for preserving our present happy establishment: and we beseech your Majesty to believe, that we will, to the utmost of our power, enable your Majesty to make good all your engagements with your Allies, and to preserve the trade of this kingdom in its utmost extent; to vindicate your honour, and to assert and defend your right to Gibraltar, and the island of Minorca, which are of the greatest importance to the preservation of the commerce and naval strength of Great Britain; and to maintain your right to every other part of your dominions, against all attempts whatsoever; and that we shall, at all times, be ready to concur in such proper measures, as may effectually enable your Majesty, in conjunction with your allies, to bring to reason all such powers, as shall at any time disturb the general peace and tranquillity of Europe."

The King's Answer.] His Majesty's Answer to this Address, was as follows:

"My Lords;

"I thank you heartily for this very dutiful and loyal Address; your warm concern for maintaining my honour, and the rights of my crown, and for preserving the trade of this kingdom, is a fresh and very seasonable instance

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of your love to your country, as well as of your duty and affection to me.

"Your approbation of the several measures I have taken for preserving the public peace and tranquillity, and securing the rights and privileges of my people against all usurpations, gives me great satisfaction.

"I entirely depend on the many faithful and affectionate assurances you have given me in this address: you may as absolutely depend on my constant endeavours to promote the happiness of all my people."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, and Mr. Speaker having reported his Majesty's Speech, Mr. Onslow moved, "That an humble Address be presented to his Majesty to return him the Thanks of this House for his most gracious Speech from the throne; to acknowledge his Majesty's goodness, in acquainting his Parliament with the several proceedings and alliances entered into between the Emperor and the king of Spain, giving such just cause of jealousy to the neighbouring princes and states, so formidable and destructive of the true balance of power in Europe, and striking at the foundation of the most valuable privileges and interests of the subjects of his Majesty, and those of his allies; to declare the resentment of the Commons of Great Britain, at the unjust demand of the king of Spain for the restitution of Gibraltar, and the unwarrantable usurpation of the Emperor, in erecting and carrying on the Ostend trade, and their mutual obligations to support each other in these unjustifiable attempts and undertakings. But above all, to express our highest indignation at the resolutions and engagements entered into, for attempting to place the Pretender on the throne of these kingdoms; to return his Majesty the Thanks of this House, for his great care in strengthening his alliances, and for employing his royal fleet so usefully for the security, advantage, and glory of this nation. And, as this House cannot but look upon the measures and resolutions, taken in opposition to and in defiance of most solemn treaties, as tending to an immediate rupture, humbly to desire his Majesty, that he will forthwith give the necessary orders for putting this kingdom in a posture of defence; and to assure his Majesty, that this House will not only chearfully and effectually raise the supplies necessary for the present exigency of affairs, but will stand by and support his Majesty in making good his engagements with his allies; in preserving the balance of power in Europe; in defending the possessions of the crown of Great Britain; in supporting the trade of this nation against all unjustifiable encroachments; and in defeating and confounding all attempts that shall be made in favour of the Pretender, and to the destruction of our religion, liberties and properties; and that this House will apply the produce of the Sinking Fund to its proper uses; and repose such a trust and confidence in his Majesty, as the public utility shall require, and his Majesty shall find reasonable and necessary, for carrying on the great work in which his Majesty is engaged, for the interest and security of his people, and the common cause of Europe."

This Motion was seconded by the hon. John Finch, member for Higham-Ferrers; but was strenuously opposed by Mr. Shippen, sir William Wyndham, Mr. Hungerford, Mr. William Pulteney, and sir Thomas Hanmer; who were answered by Mr. Doddington, Mr. Horatio Walpole, and sir Robert Walpole.

Mr. *Shippen* urged, That the matter of peace and war is of the greatest weight that can fall under the consideration of that asssembly; that as his Majesty's Speech contained many points of the highest moment and importance, so no doubt his Majesty, in his great wisdom and goodness towards his people, expected, on this occasion, not only the support, but likewise the advice of that House: that, in order thereto, they ought maturely to deliberate on those several heads, which could not be done before several Papers were communicated to them, that seemed absolutely necessary to state some facts relating to those weighty matters: that the motion, as it was drawn up, implied an approbation of measures taken to prevent dangers; which seemed preposterous before they knew either what those measures were, or whether those dangers were real: that therefore they ought, for the present, to content themselves with returning his Majesty the most humble Thanks of the House for his most gracious Speech, with assurances of supporting his Majesty in all just and necessary measures; and appoint a day for taking the said Speech into consideration.

Sir *William Wyndham* took notice of the unsteadiness of our counsels, and observed, That of late years our measures had been in a perpetual fluctuation; that Penelope-like, we were continually weaving and unravelling the same web; at one time raising up the Emperor to depress France, and now we were for depressing the Emperor, which could not be done without aggrandizing France, which, in the end, may make the latter too powerful: so that at this rate, under pretence of holding the Balance of Europe, we should be engaged in continual wars.

Mr. *Hungerford* said, That the dangers with which we were threatened, were not, in his opinion, so great, as they were by some people represented to be: That the Czarina's and the king of Spain's design of invading us with five or six men of war seemed altogether romantic, since such a project, may, at any time, be defeated by our ordinary guard ships, much more when we had such strong fleets at sea: that therefore the fears of the Pretender were groundless and chimerical, and he could not tell how they could bring him over, unless they borrowed captain Gulliver's floating is-

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land. As to the Ostend Company, he owned it to be a national concern, and a very just motive to a war with the Emperor; but that it had been an easy matter to nip that project in the bud: for, if he was rightly informed, ten thousand pounds would have prevailed with the marquis de Prie to drop it, whereas now, when that Company has had time to get footing both in Europe and in India, it may prove a difficult matter to suppress it. That as to Gibraltar, the demand of which was alledged as a proof of an offensive alliance between the Emperor and Spain, he had in his pocket the purport of the secret article relating to that affair, which was only, That in case the King of Spain could produce a positive promise from Great Britain to restore Gibraltar, his Imperial Majesty would engage to become a mediator and guarantee for the performance of such a promise. That upon the whole matter, he hoped things were not yet brought to so desperate an issue, but that some means of accommodation might be found out, without running into an expensive war, and augmenting our forces, which he was afraid, would prove an aggravation of misfortunes.

Sir *Thomas Hanmer* declared, That if the dangers they were threatened with, were so real, and so imminent as some people pretended, he would be one of the foremost in the most speedy and most vigorous resolutions. But that he thought those dangers yet extreme distant, to say no more—That, indeed, some foreign princes may make a political use of the Pretender, as a state bug-bear to frighten and alarm us, and thereby endeavour to make us subservient to their ambitious designs; but that, in his opinion, his interest was never so low, nor his party so inconsiderable and so despicable, as at present, and, therefore in this day's debate he ought to be left intirely out of the question. That he was apprehensive the acquisition or some dominions abroad had sown the seeds, and were the true causes of the divisions and distractions, which now threaten the general tranquillity of Europe, by drawing us into unaccountable compliances for the emperor, on the one hand, and into a promise, at least a conditional one, for the restitution of Gibraltar on the other hand: Both which had brought us at last into the present difficulties.

In answer to these objections,

Mr. *Doddington* took notice, That the eyes of all Christendom were, at this critical juncture, fixed upon the British Parliament, whose resolutions had ever a great and just weight and influence in all the affairs of Europe: And the season of the year being so far advanced, they ought not to slip the first opportunity that offered to give his Majesty the strongest assurances of supporting him in all his engagements he had entered into with his allies, and in the measures that shall be judged necessary, for securing the rights and interests of his subjects, and the common cause of Europe. That delays were often dangerous, and might be fatal in the present situation of affairs, which required vigorous and speedy resolutions, both for the encouragement of our friends, and the perfecting some alliances, that were already in great forwardness; and for the discouragement of our enemies, who had already blocked up Gibraltar, and threatened it with a siege. That the measures that had been taken, were but a consequence of the last year's Resolutions, which that House had come to, after a full examination, and mature consideration of the state of affairs, then laid before both Houses by his Majesty: But that however, such an Address as was proposed, did not preclude a farther inquiry into those matters.

Mr. *Horace Walpole* in answer to the objection of the unsteadiness of our counsels, observed, That it had often been matter of complaint: but that it was the unavoidable result of our situation, which puts us on that necessity, and, at the same time, gives us the prerogative of holding the balance of power in Europe: But that besides the preserving of that balance, which was in great danger of being destroyed by the conjunction of the Emperor and king of Spain, and the intermarriages of their issue, we had an intimate and immediate concern in maintaining our invaluable rights and privileges of commerce, which had been notoriously invaded; and in defending our possessions of Gibraltar and the Island of Minorca, which we had acquired, in lawful war, at a vast expence of blood and treasure, and which had been yielded to us by several solemn treaties.

Sir *Robert Walpole* said, As to the promise of restoring Gibraltar to the king of Spain, that such a promise not having been made while he had the honour to be in the administration, he could say nothing to it; that if such a promise was ever made, he durst aver, that it was conditional, and made void and invalid by the king of Spain's refusing to comply with the conditions on which it was made; and that whenever the performance of that promise was mentioned to him, as insisted on by the king of Spain, he always delivered it as his fixed and positive opinion, that Gibraltar could not be given up without the consent of parliament. As to the Ostend Company, which a gentleman suggested, might have been nipped in the bud; he left it to the House to judge, whether it had not been highly imprudent and impolitic in us, to quarrel with the emperor about it, before we had engaged both France and Holland in the danger and expence of that quarrel, who have, at least, an equal concern with us, in the suppressing of the Ostend trade. And as to the danger of an invasion in favour of the Pretender, such early measures had been taken to defeat it, that he hoped by this time, it was pretty well over: But that besides the glaring appearances of enmity to his Majesty, and of favour and countenance to the Pretender's friends, at the courts of Vienna and Madrid, his Majesty had such undoubted and concurring evidence of a formed

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design to invade his dominions, that it had been the most unpardonable want of duty, and a criminal supineness in his ministers, not to take all possible precautions against it. And as to any measures that had been taken many years ago, and to which another member ascribed the convulsions which now threaten the tranquillity of Europe, he was not at all concerned in those measures; and so could say nothing to them; neither were, indeed, such remote and groundless causes a proper subject for their present consideration

At last, the question being put upon Mr. Onslow's motion, it was carried in the affirmative, by 251 voices against 81: and a Committee was appointed to draw up an Addres accordingly, which was the next day reported and agreed to.

The Commons' Address of Thanks.] January 19. The Commons presented the same to his Majesty as follows:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your Majesty our humblest thanks for your most gracious speech from the throne.

"The communication, which your Majesty has been pleased to make, of the proceedings and transactions in Europe for some time past, and of the engagements entered into between the emperor and the king of Spain, is an instance of your Majesty's singular goodness, in being as desirous to give your people all reasonable satisfaction, as you have ever been solicitous for their good and welfare.

"We are very sensible of the fatal tendency of the sudden and unaccountable conjunction between those two crowns; and as this nation has always looked with jealous eyes upon the very beginning of every attempt made by their neighbours to establish a commerce, at the hazard and to the prejudice of our undoubted rights and privileges; we cannot but be greatly alarmed to see these incroachments upon our trade, and notorious infractions of treaties, accompanied with a scheme of greatness that lays the foundation of a most exorbitant power, which, if not timely opposed, and withstood with vigour and resolution, may become formidable to all Europe, and enable the aggressors, without controul, to maintain their unwarrantable attempts.

"Nor can we at all doubt of the spirit and design of this new friendship and alliance, when we see it cemented by mutual obligations for supporting one of the contracting powers in the unjustifiable and usurped exercise of the Ostend trade, at the same time that a peremptory demand is made and insisted upon by the other, for the restitution of Gibraltar, a place of such importance to the trade of this kingdom.

"But the consideration that creates the highest resentment in your faithful Commons is, to see that whenever the ambition of foreign princes leads them to aspire and grasp at exorbitant power, or to acquire and possess themselves of any valuable rights and privileges belonging to the subjects of your Majesty and your allies, all guarantees, and the most solemn engagements of faith and gratitude to your Majesty, purchased by the blood and treasure of this nation, are cancelled and forgot; and it is vainly imagined that your Majesty must either tamely submit to, and patiently acquiesce under, the greatest indignities and injuries to your crown and people, or be insulted with menaces and projects in favour of a popish Pretender.

"But your Majesty's loyal, faithful, and affectionate subjects, the Commons of Great Britain, sensible of the inestimable blessings they enjoy under your Majesty's most gracious and happy government, have too great a regard to the honour and dignity of your crown, and too much abhorrence and detestation of an abjured Pretender, to suffer these vain terrors to have any ill effect upon their minds or deliberations.

"It is with indignation that we see this injurious treatment and these provoking insults; and it is with an unshaken fidelity and resolution, that we are determined, with our lives and fortunes, to stand by and support your Majesty against all your enemies.

"We must, at the same time, with all gratitude, acknowledge your Majesty's wisdom and vigilance, in strengthening yourself with the alliance of powers united in interest, and best able to withstand the impending danger, and to support the common cause of Europe.

"We see, with the greatest satisfaction, the naval power of Great-Britain appearing in distant regions, in its proper lustre, so usefully and wisely employed to carry safety and protection to your own subjects and to your allies, and to curb and restrain the boasted projects of the disturbers of the peace of Europe.

"And as we cannot but look upon the measures and resolutions concerted and taken in opposition to, and in defiance of the most solemn Treaties, as tending to an immediate rupture, we humbly beseech your Majesty, that you will be pleased forthwith to give the necessary orders for putting this kingdom into a posture of defence; and we assure your Majesty, that we will not only cheerfully and effectually raise the Supplies necessary for the present exigency of affairs, but will support your Majesty in making good your engagements with your allies, in preserving the balance of power in Europe, in defending the present possessions of the crown of Great-Britain, in supporting the trade of this nation against all unjustifiable and pernicious incroachments, and in defeating and confounding all attempts that shall be made in favour of the Pretender, and for the destruction of our religion, liberties, and properties.

"And that all, who wish well to the peace and quiet of your Majesty's government, may have the satisfaction to see, that our present

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necessities shall make no interruption in the progress of that desirable work of gradually discharging the national debt, we will consider of the most proper methods for immediately applying the produce of the sinking fund to the uses for which it was so wisely contrived, and to which it stands now appropriated; and will repose such a trust and confidence in your Majesty as the public utility shall require, and as your Majesty shall find reasonable and necessary for carrying on the great work in which your Majesty is engaged, for the interest and security of your people, and the common cause of Europe."

The King's Answer.] To this Address the King returned the following Answer:

"Gentlemen;

"I return you my thanks for this very dutiful and loyal Address: The just sense you have expressed of the present posture of affairs in Europe, and the hearty assurances you have given me of your support in defending my possessions and the rights and privileges of my people as they are evidences of your known zeal and affection to my person and government, I am persuaded they will confirm the spirit and vigour of my allies, and convince my enemies how vain and ill grounded all their expectations are, of being able to succeed in any attempts to disturb the peace of Europe, and in offering injuries and insults to this nation."

Debate in the Lords on the King's Speech.] January 24. The House of Lords in a Grand Committee took into consideration his Majesty's Speech, which being read by the clerk,

The earl of *Strafford* took notice, That it contained matters of the highest importance to the whole nation, and which therefore ought to be maturely weighed, the rather because his Majesty undoubtedly expected the advice of both Houses; and in particular of that assembly which is the standing council of the crown. That besides his Majesty's Speech, several Papers relating to the present critical juncture had been laid before them, which seemed to require more time than they had been allowed to examine into them: but since they were called upon it, on so short a warning, his lordship moved, "That the House might resolve itself into a Grand Committee, to take those important matters into their consideration." This motion being unanimously agreed to, the House went into a Grand Committee; and the clerk read the titles of the several Papers laid before the House, consisting chiefly of Letters and Memorials, that had passed between the ministers of Great Britain, France and Spain, and the Act of Accession of the States General to the Hanover Treaty. After the reading thereof,

Lord *Bathurst* opened the debate, and took notice, with what circumspection the States General had acted in this whole affair. That they had not fully and entirely acceded to the Treaty of Hanover, since they had formally and expressly excused themselves from the general guaranty of the treaties of Westphalia and Oliva, in which they said, they were never engaged; and as to the business of Thorn, they had only promised to employ their friendly offices for obtaining a reasonable satisfaction: So that they acceded only upon account of the 5th and 6th Articles of the treaty of Munster, for preserving and maintaining their rights with respect to commerce; whereas by the treaty of Hanover, Great Britain and France stood engaged to guaranty to the Dutch, not only the said 5th and 6th Articles of the peace of Westphalia, but likewise the Barrier treaty; and the treaty of Oliva, in favour of the protestants of Germany. And thus, what they had done did not deserve the name of Accession, the rather because they had made it an express condition, That their act of accession should be approved and ratified by the king of Great Britain, the most Christian king, and the king of Prussia: But though this last potentate was one of the principal contractors in the treaty of Hanover, yet no mention being now made of him, his lordship could not tell what to make of it. That it seems his minister had refused signing the said Act of Accession, probably upon account of the Dutch excusing themselves from the general guaranty: But let his reasons, for receding from his engagements, be what they would, his example might be of a very dangerous consequence, for by a letter from the duke de Bournonville, the Spanish minister at Vienna, it appeared, that they were not without hopes at the imperial court, that France might thereby think herself disengaged from the Hanover alliance: In which event Great Britain alone must bear the burden of an expensive war with two of the greatest potentates in Europe. That the Dutch receiving far greater advantages, than Great Britain, from the East India trade, and consequently being more concerned than we in the suppression of the Ostend Company, ought, at least to bear an equal share with us in the expences of this war, and guaranty to us the possession of Gibraltar, in the same manner as Great Britain guaranties to them their barrier. That his lordship did not see any just reason for a rapture with Spain. That, indeed the the duke de Ripperda might have dropt some indiscreet expressions; but that he was known to be a hot-headed man; and princes have a right to disavow the indiscretions of their ministers, which the king of Spain had done, in a most solemn manner, with relation to Ripperda. That it was well known, that violent ministers do many unaccountable things: And if their idle expressions were a just foundation for war, nations would ever be at daggers drawing. That, for some time past, the emperor had been treated here very cavalierly by some persons; and that, in the memorial the marquis de Pozzo Bueno left behind him, at his departure, it was suggested, That the violent state to which affairs are now reduced, is owing to the ministers of England. That, in the same memorial, mention is made

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of a positive promise by the king of Great Britain, for the restitution of Gibraltar: which could not be supposed to have been said without some foundation; and therefore it would be highly necessary to inquire, whether such a promise was ever made; and whether any thing like it was mentioned in the treaty concluded at Madrid? That all possible methods of an amicable accommodation ought to be tried before they engaged in a war, which, in our present circumstances, might be attended with very dangerous consequences. That the nation is loaded with a debt of above fifty millions: That though they are told of a Sinking Fund applied to the gradual discharge of that burden, yet it was more to be wished than expected, that the operation of that wise contrivance should suffer no interruption, by the exigencies inseparable from a war. That one of our best mathematicians has foretold, That if ever England raises above five millions in a year, it will infallibly be exhausted in a few years: That if, at this juncture, we should enter upon a war, and not meddle with the Sinking-Fund, according to the scheme of those in the administration, they must be obliged to raise, at least, seven millions a year upon the people of England; the consequence of which was obvious to any one who admitted the principle of that great mathematician. That in some of the papers laid before the House, mention was made of great sums of money distributed to bring some measures to bear: that for his own part, he had touched neither Spanish nor English gold; he was neither a Spaniard nor a Frenchman; but a true Englishman; and as long as he had the honour to sit in that House, he would speak and act for the good of his country. That therefore he would sum up all he had said, with earnestly desiring their lordships seriously to consider the matter before them, which was of the last consequence and importance to the whole nation: What (said he) can we get by a war, if it be a successful one? I will say it in one word, Nothing. What can we lose if it be unprosperous? I will say it in one word, in a syllable, All.

The Duke of *Argyle* stood up next, and took notice of an insinuation in lord Bathurst's speech, grounded on a suggestion from the duke de Bournonville, as if the court of France might think themselves disengaged from the Hanover alliance, on account of one of the contracting parties in that Treaty, withdrawing himself from it: But that he might assure the House, that the king of France stood firm to his engagements, and, in the course of this whole affair, had acted in perfect concert with his Britannic Majesty: To evince which, his grace desired, That the clerk might read the letters on the table, from count de Morville, secretary of state to the most Christian king, to Mr. Walpole, the British ambassador in France, and to signior Massei, the pope's nuncio at Madrid, which were read accordingly, and gave great satisfaction to the House.

The Lord *Townshend* stood up next, and in answer to lord Bathurst alledged, That the Treaty of Hanover being purely defensive, had made no alteration in the treaties subsisting before, either between the contracting powers, or other princes and states: that the true aim and intention of this alliance was a reciprocal guarantee for the protecting and maintaining the dominions and countries, both in and out of Europe, whereof each of the allies was actually possessed, at the time of the signing of this alliance: so that by acceding thereto, the crowns of Great Britain and France became guarantees of the 5th and 6th articles of the treaties of Munster, by which the Dutch are intitled to exclusive rights and privileges of trade in the East-Indies: but that this guarantee was reciprocal between Great Britain and the States General, since by the treaty of 1667, Spain had granted to England the same rights and privileges which the Dutch enjoyed by the said 5th and 6th articles of the treaty of Westphalia: that therefore the suppressing of the Ostend Company, which manifestly invaded those exclusive rights and privileges was become a common cause between us and the Dutch; that our concern therein is almost equal to theirs; since our East-India trade brings about 300,000*l.* a year into the customs, which being part of the general mortgage, if so considerable a branch of trade should be lost, that yearly sum would be taken from the sinking fund. That by former treaties Great Britain was guarantee to the Dutch for their barrier in the Netherlands, as reciprocally, by the same treaties they were guarantees to Great Britain for the Protestant succession; So that, in those respects, we stood no more engaged to them, than they to us. That, indeed, by their act of accession to the Hanover alliance, the States General exempt themselves from the general guarantee of the treaties of Westphalia and Oliva, to which they never stood engaged; but nevertheless, by the same act they engage themselves to employ jointly with Great Britain and France their friendly offices for obtaining a reasonable satisfaction and reparation, as to the infractions which might have been made in the treaty of Oliva; which is as much as the contracting powers have engaged themselves to, by the first secret article of the treaty of Hanover; and is, indeed, as little as the Protestant potentates could do in commiseration of the great severities lately exercised against the Protestants of Thorn. That as to the indecent expressions of the duke de Ripperda, they were not alledged as a just foundation for a rupture with Spain; but only as corroborating indications of an offensive alliance between that prince and the emperor, of which there were such convincing proofs, as left no room to doubt it. That as to the secret article of that alliance in favour of the Pretender, his Majesty had received from several parts such positive informations, that if the safety of the state permitted to lay those advices before the House, they would no more question the certainty of

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such an article, than if they had been present at the signing of it. But his lordship hoped that illustrious assembly would not think any of his Majesty's servants, who had the honour to sit amongst them, so audacious as to tell them downright untruths, or to presume to impose upon their lordships by alledging facts of so great importance, without sufficient vouchers. That as to the other articles of the secret offensive alliance, relating to the supporting of the Ostend company, and the restitution of Gibraltar, the king of Spain and his ministers were so far from denying them, that on the contrary, they did not scruple publicly to avow them. That hereupon his Majesty could not, in prudence, but take early and proper measures to oppose an alliance so directly levelled against his crown and dignity, and invasive of the most valuable rights and privileges acquired to his subjects by the most solemn treaties. That, at the same time, notwithstanding these high provocations, his Majesty shewed his inclination and disposition to an amicable accommodation; and with this view, it was intimated to the courts of Vienna and Madrid, that if the emperor would remove the Ostend Company to Trieste, or any other place in his dominions, which did not heretofore belong to the Spanish monarchy, Great Britain would quietly acquiesce: But instead of accepting this proposal, those two courts not only seemed resolved to support the Ostend trade, but Spain, in the memorial lately presented by the marquis de Pozzo Bueno, insisted on the speedy restitution of Gibraltar, by virtue of a pretended positive promise, which exists no where; which put his Majesty, and the whole nation, under the necessity of a vigorous self-defence.

Lord *Bingley* urged, That in our present situation, we should use all possible methods to avoid entering into a war, which might prove of long continuance, and of which we should be obliged to bear the main burden without any prospect of real advantage in the conclusion. That we were involved in an immense debt which could not be increased (as it would infallibly, in the progress of the war) without endangering the nation's sinking under the load. That the distractions which now threatened the peace of Europe, were mainly owing to our fluctuating councils. That after a long and expensive, but most glorious war, we had, at last, compassed the main end of the grand alliance, which was to give the house of Austria a reasonable satisfaction, and to settle the balance of power in Europe, both which were effectually done by the peace of Utrecht. But that upon his Majesty's accession, some persons made it their business to exclaim against all that had been done in the former glorious reign. That they had made the power and riches of Great Britain subservient to the boundless ambition of the house of Austria; having, in concert with France, formed the scheme of the quadruple alliance, and put the emperor in possession of Sicily, which bore down the scale on his side, and entirely overturned the balance of power. That we were never told what recompence Great Britain was to have for our excessive complaisance to the emperor, (as was owned in a late treatise wrote to justify the present measures,) in which it is alledged, "That we were hastening apace to make the emperor a power too great and too formidable; and that we should find in him, at last, the enemy we then dreaded only in another." Neither was it yet known what equivalent Great Britain was to have for Gibraltar, the restitution of which the most Christian king undertook to procure to the king of Spain, and which undoubtedly the regent of France would not have mentioned in the manifesto against Spain, unless he had obtained a previous promise for it. That whatever grounds there were for these counsels, the reason now given for running counter to them, is still the same; to wit, That it is the prerogative, as well as the interest of Great Britain, to hold the balance of power in Europe. That he did not absolutely deny this maxim: but as it might serve to justify any rupture, it ought to be confined within proper bounds; for if this prerogative were wantonly exerted, it might engage us in perpetual wars; and, at last, prove fatal to our trade, the main spring of our wealth and power. That the republic of Venice was a pregnant instance of this truth, and a standing warning to all trading nations: for by their refined politics, and meddling too far in the differences of the great potentates of Europe, under pretence of holding the balance, they first lost their commerce, and soon after their greatness and consideration. That by our late quarrels with Spain, that branch of our trade which heretofore was very considerable, is almost entirely lost; and if upon account of the unprofitable, not to say ruinous trade to the East-Indies, we should now engage in a war against the emperor, it will endanger the loss of the great and profitable commerce we drive in Germany: Concluding, That we ought to try all possible means to bring matters in dispute to an amicable accommodation to which the emperor seemed not disinclined.

The Earl of *Peterborough* said, That let our circumstances be what they would, we ought to exert ourselves for the honour and dignity of the crown, and defend the just rights and privileges of the nation.

Lord *Carteret* answered lord Bingley, urging, That it was no wonder that noble lord so highly applauded the peace of Utrecht, and ascribed our misfortunes to the measures pursued in this reign: for this way of reasoning became well enough those who had gone so great lengths with the late Queen's last ministers. Nor was it, for the same reason, at all surprising, his lordship should give so melancholy a prospect of our affairs: that the courts of Vienna and Madrid undoubtedly entertained the same notions of Great Britain, else they would not dare to insult us; to offer indignities to his Majesty, and to treat our ministers with contempt, making them wait in an anti-cham-

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ber for a cedula: that we ought not invidiously to inquire into the causes of our misfortunes; but consider of proper means to do ourselves justice, and to make suitable returns to his Majesty's paternal care in laying before his Parliament the present state of affairs in Europe, and the measures taken to prevent the dangers that threatened us: that we want neither wealth nor strength, and, he hoped, we should not want spirit to assert our rights, and to maintain his Majesty and his royal progeny on the throne: That the example of the republic of Venice far from deterring us, ought rather to excite us to make our last efforts to support the commerce of these kingdoms, against the encroachments made upon it contrary to the most solemn treaties; for the decay of that powerful state was not owing to their meddling with the differences among the potentates of Europe, but rather to the loss of the great trade they carried on in the East-Indies, through the Red Sea; by reason of the settlements which the Portuguese, and after them the Dutch and other nations, made there: That our share in the East-India trade is neither so inconsiderable, nor so unprofitable, as some were pleased to represent it: that, indeed, as that commerce drains Europe of a great deal of silver, and returns only trifling commodities, that serve to feed luxury, and which consequently we might be without, it were, perhaps, to be wished that it might be entirely laid aside: but that this must be done by the general consent of all the states concerned in it; otherwise they who gave it up would be obliged to buy at a dear rate of them who should carry it on, those commodities which custom have rendered in a manner necessary: that as to the trade to Spain, we have, for many years past, lost a great part of it: but that, on the other hand, we have very much enlarged our dealings with Portugal, which are far more advantageous to us. And as for our trade to Germany, though the emperor may cramp and restrain it, in his hereditary dominions, as he has already done by prohibiting several of our commodities, that loss is inconsiderable, since he cannot deprive us of our commerce to the other parts of the empire, and the North, by the way of Hamburgh, Dantzick and other Hanse towns. That though in many things he differed from the noble lords, who spoke on the other side, yet he agreed with them, that peace is more eligible than war, especially for a trading nation; and therefore that all possible methods of accommodation ought to be tried. That it was yet uncertain, whether we ought to look upon the emperor and the king of Spain as friends or enemies: that the best friends may sometimes fall out; but as no prince has a right to encroach upon others, the most effectual way to restore amity, was to come to vigorous resolutions; and to put ourselves in a posture of doing ourselves justice.

Lord *Lechmere* endeavoured to shew, That we stand upon very unequal, very unreasonable and very unjust terms with the Dutch, in this new alliance: that their act of accession was in reality no accession at all; since they exempt themselves from the general guaranty of the treaties of Munster and Oliva, and of any possessions in dispute, whereas we stand engaged to guaranty all their pretensions to trade, and their barrier in the Netherlands: adding, that the guaranty of the treaty of Oliva mentioned in the first separate article of the treaty of Hanover, was not confined to good offices, but extended to see that treaty supported, maintained and observed to all intents and purposes: that the king of Prussia, one of the original contracting powers in the treaty of Hanover, having refused to sign the said act of accession, seemed thereby to have renounced or withdrawn himself from that alliance, since by the seventh article of it, the States General were particularly invited to accede to it: that they wanted several informations relating to the negociations and measures mentioned in his Majesty's speech; which were the subject-matter of their present consideration, and ought to be well examined into, before they approved those measures.

Resolution approving of the Measures taken with respect to Spain.] His lordship being answered by the duke of Argyle, the lord Townshend moved, "That it fully appears to this Committee, upon consideration of his Majesty's Speech, and the Letters and Memorials laid before the House by his Majesty's order, That the measures his Majesty has thought fit to take were honourable, just, and necessary for preventing the execution of the dangerous engagements entered into in favour of the Pretender, for preserving the dominions belonging to the crown of Great Britain by solemn treaties, and particularly those of Gibraltar and the island of Minorca, and for maintaining to his people their most valuable rights and privileges of Commerce and the peace and tranquillity of Europe." Then the question being put upon the said motion, it was agreed to by a great majority.

Protest against the said Resolution.] The House being resumed, the lord De la War reported the said Resolution; and the same being twice read, the question was put, whether to agree with the Committee in this resolution? It was resolved in the affirmative. Content 98, not content 25.

"Dissentient"

1. "The Resolution of the Committee being not only a justification of the measures therein mentioned, but tending to approve the counsels which have been given to the crown relating thereto, we can by no means agree, that it fully appears they were honourable, just, and necessary, before they have been maturely and distinctly considered; the only question as yet debated in the Committee (except the resolution) being upon an address of advice to his Majesty for obtaining a further security from and confidence with his allies, in case of a rupture; which Address appeared to us more reasonable and necessary, in the present con-

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juncture, than any vote of approbation; we therefore cannot concur in approving measures and counsels not yet examined into, the further consideration whereof may be also precluded by this resolution.

2. "The Papers hitherto laid before the House in order to the consideration of his Majesty's Speech, are such only as concerned the accession of the States-General to the treaty of Hanover, and the letters and memorials since the arrival of the British fleet on the coast of Spain in America; but none of the negociations or measures (which we suppose to have been many) that have been carried on between the Courts of Great Britain and Vienna, and the Northern powers, which his Majesty's speech and the Resolution also may have relation to, have as yet been communicated to this House: But all those measures, and many others unknown (as we believe to this House) are in our opinions, intended to be approved and justified by this Resolution; to which therefore we cannot concur, no more than if it had declared the measures honourable, just, and necessary, which shall hereafter be taken for the purposes therein mentioned.

3. "Although we rely, in the most dutiful manner, on the declaration made from the throne, concerning a secret dangerous engagement for placing the Pretender on the throne of these kingdoms; yet finding by the papers laid before the House, that any such engagement or measure, for putting the same in execution, is absolutely denied on the part of the crown of Spain (one of the supposed parties to the said engagement) we cannot agree to the resolution, because time may evince, that the informations his Majesty has received concerning that engagement were not justly grounded; and the measures taken to prevent the executions of them (whatever they were) not having been as yet particularly considered, we cannot declare them honourable, just and necessary.

4. "We find it charged in one of the papers laid before the House, that very considerable sums of money have been sent and employed in France, Holland, Prussia, Sweden, and other places, to promote and accomplish the designs of the British court; which insinuation, as vile as we think it is, the Committee have not yet taken the same into their consideration, though a thorough examination into the grounds of that insinuation is, in our opinions, absolutely necessary for the honour of his Majesty's government, and the satisfaction of this House; we cannot therefore agree to the Resolution, which, as we conceive, may be construed to stop all future inquiries into this matter.

5. "Whatever measures may have been taken to preserve Gibraltar and the Isle of Minorca, yet we cannot agree to declare them honourable, just, and necessary, before they have been fully considered by the Committee; and the rather, because we find it asserted, on the part of Spain, in one or more of the memorials before the House, that a positive promise has been made, on the behalf of Great Britain, for the restitution of Gibraltar to Spain; on the performance of which promise Spain, as it appears to us, still insists: We cannot therefore agree to the resolution, before the truth and all the circumstances of that pretended promise are thoroughly examined into; which promise, if it should appear to have been made, as is asserted, we are of opinion, that it was highly criminal in those who advised it.

6. "The measures taken for maintaining the British commerce and the tranquillity of Europe have not, as we think, been under the distinct consideration of the Committee, since the Memorials and Letters were laid before the House; And the oppositions made, if any, on behalf of Great Britain at the court of Vienna, to the Ostend Company, are unknown to us, as well as the circumstances relating to the late Baltick expedition; and yet all these matters were the proper consideration of the Committee; for which, and the other reasons abovementioned, we being apprehensive, that the resolution proposed may not give solid ground of satisfaction to the people of Great Britain, or to any foreign powers in alliance with us, or conduce to the honour of his Majesty's government, or the support of the dignity of this House, cannot agree thereto.——

(Signed) Scarsdale, Bruce, Strafford, St. John de Bletsoe, Weston, Oxford and Mortimer, Bristol, Montjoy, Lechmere, Gower, Compton, Coventry, Aberdeen, Boyle, Bathurst, Foley.

Lord Lechmere moves for an Address to the King, to make farther Instances with the King of Prussia and the States General for their more entire concurrence with his Majesty.] After this a motion was made by lord Lechmere, and seconded by lord Foley,

"That an humble Address be made to his Majesty, representing the deep concern of this House, on the prospect of the imminent dangers which threaten these kingdoms, and all Europe, at this juncture, from the formidable confederacies which his Majesty assured his parliament were entered into between the courts of Spain, Vienna, Russia, and other great powers, whereby the general tranquillity may soon be broke, and Europe engaged in a new war. And it appearing to this House, from the Act of Accession of the States General, and the separate Articles thereto belonging, that their accession is made upon several conditions and reserves on their part, and particularly, that in the separate Article concerning the commerce from the Austrian Low Countries to the Indies, it is provided, 'That, if, on account of their use of their 'rights of commerce, or in hatred of that al-'liance, any disturbance should happen, and 'his imperial Majesty should suspend or retain 'the payment of the subsidies due to the re-'public, for the maintenance of their troops in 'the places of the barrier, or the payment of 'the interest and principal placed by mortgage

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'on divers funds assigned by his Imperial Majesty for the security of that payment, or 'make use of any other kind of reprizals or 'ways of force, that it is the intention of the 'other contracting powers to protect and 'maintain the States General in their rights of 'commerce to the Indies, and guaranty them 'from all the consequences which might result 'there from, without having power to proceed 'by force against the company of Ostend, be-'fore the contracting powers shall have agreed 'thereon. And, by another separate Article, 'it being stipulated and reserved to the States 'General, that they shall continue to have the 'same liberty, with respect to every thing that 'shall be proposed to them by the contracting 'powers, upon such points, whose object shall 'be the maintaining the balance of power in 'Europe, as they had before their accession, 'without being bound by their accession to 'take part in the measures which they should 'not consent to.'

"And it appearing to this House, That his Prussian Majesty did not concur in in the said accession of the States General, in consequence of all which the strength and security which the Treaty of Hanover might otherwise import, in the present unhappy conjuncture, is much weakened, and, in case of a general rupture, the danger as well as the burthen of the war must fall upon Great Britain, and the preservation of the balance of power in Europe depends on the continuance of the friendship and assistance of France alone, unless more effectual measures are taken for that great end.

"Therefore that this House, out of duty to his sacred Majesty, and from their unfeigned zeal for the safety of his government and the liberties of Europe, doth most earnestly beseech his Majesty, to make new and pressing instances with his Prussian Majesty, and the States General, to concur with his Majesty, and his other allies, in such manner as the present critical and dangerous juncture requires, and as, in the event of a war, in case a war is unavoidable, his Majesty may, by the blessing of God, secure a just balance of power in Europe, as well as the religion, liberties, properties and commerce of his subjects."

Protest against rejecting it.] But this being objected to, and the question put, whether such an Address be made to his Majesty? It was resolved in the negative.

"Dissentient'

"The Address proposed representing, as we think, the present state of the late defensive alliance made at Hanover, which, for ought appears to us, is the main support on which Great Britain can depend, beside its own strength, in a case of a general rupture in Europe; we thought it highly necessary, that it should have passed into a resolution, whereby his Majesty's hands might have been strengthened in his future concerts with his allies, and such further measures effected, as are necessary to preserve his alliances during the war, against the dangerous combinations levelled against Great Britain, and by which such a repartition of conquests, in case of success, might be previously settled, as, in the event, would prevent the loss of a just balance of power in Europe; and we are the more convinced of the necessity of the advice proposed in the Address, because we find in one of the letters laid before the House, That a proposition has been made by the court of Spain to the king of France, though not agreed to, to declare himself against Great Britain, on a pretence (which we hope is groundless) That the Defensive Alliance between Great Britain and France doth no longer subsist.—(*Signed,*) Scarsdale, St. John de Bletsoe, Gower, Bristol, Coventry, Strafford, Bathurst, Montjoy, Boyle, Compton, Bruce, Aberdeen, Weston, Oxford and Mortimer, Lechmere, Masham, Foley."

Motion for a farther Consideration of the King's Speech.] Then it was moved to resolve, That this House will on this day sen'night take into farther consideration his Majesty's most gracious Speech. And after debate, the question being put on the said motion? It was resolved in the negative.

Protest on its passing in the Negative.] "Dissentient' 1. Because the Committee having sat one day only on the consideration of his Majesty's Speech, could possibly deliberate but upon few of the many weighty points which arise there[sic]; on all which the advice and support of this House, in our opinions, is absolutely necessary; and since even the facts relating to many of these weighty matters have not, as we conceive, been yet laid before the House, we think the farther consideration of the speech should not have been refused; there not being, as we believe, any precedent for such a refusal, under the like circumstances on the Journals of this House.

2. "His Majesty's Speech containing the causes of calling his parliament, and the advice of this House to the crown being required thereon, the refusal of the day proposed, seems to us tending to disable the House from discharging their duty to the crown, as well as to the kingdom, in this critical and dangerous juncture; and as the further consideration proposed, is thereby at present refused, the precedent, as we fear, lays a foundation for depriving this House, in future times, of any opportunity at all for such considerations, by which means this House must, in our opinions, be rendered useless in those great affairs whereon the safety and support of the liberties of the kingdom may depend.——(*Signed,*) Bruce, Aberdeen, Strafford, Bristol, Scarsdale, Oxford and Mortimer, Lechmere, Weston, Masham, Coventry, Bathurst, Montjoy, Boyle, Foley, St. John de Bletsoe, Gower, Compton."

A Supply voted.] January 20. In a Committee of the whole House his Majesty's Speech was taken into consideration by the Commons.

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And a motion that a supply be granted to his Majesty, was unanimously agreed to.

Jan. 21. Mr. Farrer, from the said Committee, reported the Resolution for a Supply, which was agreed to *nem. con.* and it was resolved, to address his Majesty for the usual Estimates for the year 1727.

Jan. 23. The Commons resolved to address his Majesty for the "Accession of the States General to the Treaty of Hanover, together with the separate Articles, if there were any as also for the Copies of such Memorials, and Letters with the Answers thereto, as passed between his Majesty's ministers, and the courts of Vienna and Spain, since the communication of the Treaty of Peace between the emperor and the king of Spain, to his Majesty by the emperor's minister:" But a motion being made by sir William Wyndham, and the question put, to address his Majesty, for a copy of the Memorial presented to the king of Sweden, by Mr. Poyntz, his Majesty's envoy extraordinary, relating to the accession of the crown of Sweden to the treaty of Hanover, dated at Stockholm the 4th of June, 1726: as also another motion being made by Mr. Pulteney, and the question put to address his Majesty, for the Secret Offensive Alliance between the emperor and the king of Spain, both these questions were carried in the negative, without dividing.

Debate on the Number of the Land Forces.] Jan. 25. The Commons, in a grand committee, considered farther of the Supply, particularly with relation to the Land forces; and Mr. Henry Pelham, having shewn the necessity of an augmentation of about 8,000 men, dragoons and foot, the same was warmly opposed by Mr. Shippen, Dr. Friend, sir William Wyndham, Mr. Hungerford and others: who were answered by Mr. Henry Pelham, col. Bladen, sir William Yonge, and general Wade; so that it was, at last, resolved by 250 voices against 85, 1. "That the number of effective men to be provided for guards, garrisons, and land forces for the year 1727 be, including 1850 invalids, and 555 men, which the six independant companies consist of for the service of the highlands, 26,383 men; 2. That the sum of 885,494*l.* 9*s.* 4*d.* be granted for defraying the charge thereof." These Resolutions being the next day reported, were agreed to by the House.

Jan. 27. Copies and Translations of several Memorials, Letters, &c. relating to the courts of Vienna and Spain, were laid before the House, after which, in a Grand Committee, the Commons considered of ways and means to raise the Supply, and sir Robert Walpole having shewed the necessity of laying four shillings in the pound on land, the same was opposed by some members, who alledged, That it were more eligible to apply the produce of the Sinking Fund towards the present necessities; but the question being put upon sir Robert Walpole's motion, it was resolved in the affirmative, by 190 voices against 81, which Resolution, being the next day reported, was agreed to by the House.

Motion for a Copy of the Letter, on which the King of Spain founds his Demand of the Restitution of Gibraltar.] February 6. Mr. Sandys moved, "That an humble Address be presented to his Majesty, that he would be graciously pleased to communicate to this House, Copies of the Declaration, Letter, or Engagement, which in the Marquis de Pozobueno's Letter to the Duke of Newcastle of the 21st of December last, is asserted to be a positive Promise, upon which the King of Spain founds his peremptory Demand for the Restitution of Gibraltar, which had been so solemnly yielded to the crown of Great Britain by the Treaty of Utrecht, and was afterwards confirmed and granted to Great Britain by the king of Spain's accession to the Quadruple Alliance."

This motion was seconded, and strenuously supported by sir William Wyndham, Mr. Hungerford, and also by Mr. William Pulteney, who took notice of a Letter, written in 1721, to one of the Emperor's Plenipotentiaries at Cambray, wherein a Promise for the Restitution of Gibraltar was expressly mentioned: But they were opposed by Mr. Henry Pelham, Mr. Thomas Broderick, Mr. H. Walpole, and sir Robert Walpole. The latter did not disown, That such a promise might indeed have been made in a former administration; but this he was sure of, that if there was such a promise, it was upon certain conditions, which, not having been performed within the limited time, was thereby become invalid; and as for the Declaration or Letter, the communication of which was insisted on, the same was altogether impracticable and unprecedented; the private letters of princes being almost as sacred as their very persons. Then the previous question being put, whether the question upon Mr. Sandys's motion should be put? It was carried in the negative, by 204 voices against 97.

Feb. 7. The Commons resolved to address his Majesty for Copies of such Memorials and Representations, as have been made to the Court of Vienna, concerning the Charter granted to the Ostend Company, with the Answers thereto: After which, the lord Morpeth moved, "That another Address be presented to his Majesty, that he would be graciously pleased to direct Copies to be laid before this House, of all such Memorials, or Representations to his Majesty, from the crowns of Sweden and Denmark, as did induce him to send the squadron of ships the last year into the Baltic, at so great an expence to this kingdom." He was seconded by sir William Wyndham; but opposed by sir William Yonge, and the hon. Mr. Verney. Hereupon Mr. Walpole endeavoured to justify all the steps that had been taken by Great Britain, since his Majesty's happy accession, particularly from the opening of the Congress of Cambray to this present time, to preserve the balance of power, the

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peace of Europe, and the tranquillity of the north; and with this last view to prevent the Czarina's designs against Sweden and Denmark, in favour of the duke of Holstein. Mr. William Pulteney answered him, and was replied to by Mr. Broderick; and the question being put upon the lord Morpeth's motion, it passed in the negative, by 196 voices against 79.

Motion relating to the Sum of 125,000*l. charged for Extraordinaries in the Account of the Deficiencies of last Year's Grants.*] Feb. 13. Upon the order of the day, for the House to go into a Grand Committee to consider of the Supply, several Papers were referred to the said Committee, viz. the Copy and Translation of the Convention between Great Britain, the States General, and the landgrave of Hesse Cassel, February 13th, 1701-2, also the Estimate of the charge of 4,000 horse, and 8,000 foot of the Landgrave of Hesse Cassel, from the 1st of April, to the 24th of December 1727. Then a motion was made by the Court party, and the question put, "That the Account shewing how the money given for the service of the year 1726, has been disposed of, distinguished under the several heads, until the 1st day of February 1726-27, and the parts thereof remaining unsatisfied, with the deficiency thereupon, be referred to the said Committee:" But there being in that Account an Article of the sum of 125,000*l.* charged, in general terms, as issued out for other engagements and expences over and above such as are therein particularly specified, Mr. Shippen, Mr. Onslow and Mr. William Pulteney strenuously insisted, That before the said Account of the Deficiency of the last year's Grants was referred to the Grand Committee, which reference, according to the usage of parliaments, tacitly implies an acquiescence in the disposal of the money therein mentioned, the House should be acquainted with a particular disposition of so considerable a sum as that of 125,000*l.* This was as strongly opposed by sir William Strickland, Mr. Horatio Walpole, and sir Robert Walpole, so that the previous question being put, That the question be put upon the motion beforementioned, the same occasioned a debate that lasted till six in the evening, when the said previous question being called for, it was resolved in the affirmative, by 178 voices against 78; and the main question being put, it was ordered, That the said Account be referred to the said Committee. This done, the House went into a Grand Committee on the Supply, and resolved to grant the sum of 160,306*l.* 17*s.* 5*d.* to make good the deficiency of the Grants for the year 1726.

An Address for an Account of the said Sum.] Feb. 14. The above-mentioned Resolution being like to meet with great opposition, by reason of the 125,000*l.* above-mentioned, it was moved, and resolved, without dividing, to address his Majesty for a particular and distinct Account of the distribution of the sum of 125,000*l.* which, in an Account laid before the House, shewing how the money given for the year 1726, has been disposed of, is charged to have been issued for other engagements and expences, over and above such as are therein particularly specified, for the securing the trade of this kingdom, and preserving the peace of Europe; and also of the times when the said sum of 125,000*l.* was issued and distributed. After this, Mr. Farrer reported the Resolution on the Supply above-mentioned, which was agreed to.

Petition from the Commissioners of Hawkers to enable them to compound for a Debt to the Crown.] Feb. 15. A Petition of George Townsend and others, late Commissioners for Licensing Hawkers, &c. was presented to the House, and read, praying, That leave may be given to bring in a Bill to enable the Lords Commissioners of his Majesty's Treasury to compound with the Petitioners for a debt due to the crown, occasioned by the default of Thomas Tomkins, late Cashier of the said office, who hath withdrawn himself beyond the seas, or that they may have such other relief as to the House shall seem meet. Sir Robert Walpole having acquainted the House, That his Majesty gave his consent, that such a Bill might be brought into the House, as was desired by the Petitioners, the said Petition was referred to a Committee of the whole House.

The King's Answer to the Commons' Address.] Feb. 21. Sir Paul Methuen reported to the House, That his Majesty had commanded him to acquaint this House: "That the sum of money mentioned in their Address of the 14th, has been issued and disbursed, pursuant to the power given to his Majesty by Parliament, for necessary services and engagements of the utmost importance to the trade and navigation of this kingdom, and the tranquillity of Europe, and which require the greatest secrecy; and therefore a particular and distinct Account of the distribution of it cannot possibly be given, without a manifest prejudice to the public."

Mr. Pulteney moves for a second Address on that Head.] Hereupon Mr. William Pulteney endeavoured to shew the insufficiency of that answer, alledging, That he had an entire confidence in his Majesty's great wisdom, paternal care and royal word; but that when in the last session the House came to a Resolution, "effectually to provide for and make good all such expences and engagements as should be made, for the security of the trade and navigation of this kingdom, and for the preservation of the peace of Europe;" the Commons did not thereby divest themselves of their undoubted right of being acquainted with the disposition of public money; that if they gave up so essential a right, that House would become altogether useless, or serve only blindly to approve of and register the acts and deeds of the ministers. That he did not, in the least, doubt the issuing and disbursement of the 125,000*l.* in question, for necessary services: but that if

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they were satisfied with such a general Account, the same might in future reigns prove a very dangerous precedent, and serve to cover embezzlements of the public treasure; therefore he moved, "That a farther humble Address be made to his Majesty, humbly representing the indisputable right of this House, to have particular and distinct Accounts laid before them of the disposition of all money granted by this House, for the service of the public; and that this House did most earnestly beseech his Majesty, that he would be graciously pleased to order such an Account of the 125,000*l.* said to have been expended for securing the trade of this kingdom, and preserving the peace of Europe, to be forthwith laid before the House."

This motion was seconded by Mr. Shippen, but was opposed by Mr. Doddington, Mr. Lewis and sir William Yonge; upon which there was a high and warm debate, from ome till six in the afternoon. The courtiers represented, That the sum in question was inconsiderable, and that it was impossible effectually to carry on important negotiations, without expending a great deal of money in secret service. And Mr. St. John Broderick mentioned in particular, a case in queen Anne's reign, when the Commons acquiesced in such a general Answer, for a more considerable sum. The precedent by him quoted was read by the clerk, as follows, viz.

'On the 16th of January, 1710-11, Mr. Secretary St. John acquainted the Commons, 'that their Addresses of the 5th and 8th 'instant, had been presented to her Majesty, 'viz. That she would be pleased to give direc- 'tion to the proper officers to lay before the 'House, accounts relating to the poundage 'and days-pay, deducted out of the pay of the 'army; of the deficiencies of the grants, and 'of the funds since Michaelmas, 1701; of the 'payment of her Majesty's proportion of sub- 'sidies to her allies; of all the pensions paya- 'ble out of the revenue, and warrants and di- 'rections for pensions; and also of the distri- 'butions of the contingencies, and forage and 'waggon money granted for the forces in Flan- 'ders in her Majesty's pay, and of the distri- 'butions of the money granted for contingen- 'cies of the guards, garrisons and land-forces 'in Great Britain: and that her Majesty had 'been pleased to give directions for laying all 'the said accounts before this House, except 'the accounts of contingencies, and that the 'account touching the deficiencies of the 'grants and funds, had already been laid be- 'fore the House; and that other of the ac- 'counts were preparing, and would soon be 'laid before the House; but that as to the ac- 'count of contingencies, it was not possible 'from the nature of the service, which required 'the utmost secrecy, for any account of them 'to be made; but that they were really distri- 'buted.'

Some objections were raised to this precedent, as if the case was not parallel; besides which, Mr. Onslow chiefly insisted on the promise made to the House the last session, by a great man in the administration, That they should have a particular Account of all the money that should be expended upon that Vote of Credit, which promise induced the House to come so readily into it. They were answered by sir William Strickland, Mr. Trelawney, Mr. Conduit and sir Robert Walpole; to whom sir Thomas Hanmer replied; after which the question upon Mr. Pulteney's motion being called for, it was carried in the negative, by 235 voices against 110. Then it was moved and resolved, without dividing, "That an humble Address be presented to his Majesty, to return his Majesty the Thanks of this House, for his great care and wisdom in taking such steps and entering into such Engagements, as his Majesty thought would best conduce to the security of the trade and navigation of this kingdom, and to the preservation of the peace of Europe; and to assure his Majesty, That this House, placing an entire confidence in his Majesty's goodness and regard for the true interest of his people, will stand by and support his Majesty, in all such farther measures as his Majesty shall find necessary and expedient for preventing a rupture, and for the honour and advantage of these kingdoms."

Report from the Committee relating to the Petition from the Commissioners of Hawkers, &c.] Feb. 28. In a Committee of the whole House, they examined the allegations of the Petition of the late Commissioners for licensing Hawkers and Pedlars, and also the Papers annexed to it, and likewise called in and examined several of the persons ordered by the House to attend the said Committee, and came to several Resolutions, the report whereof was put off till the 7th of March. Upon this occasion very severe reflections were made on the neglect and loose management of his Majesty's revenues.

March 7. Mr. Farrer reported from the Committee of the whole House, to whom the Petition of George Townsend, &c. late Commissioners for licensing Hawkers, &c. had been referred, the Resolutions they had directed him to report, which were as follows, viz. "1. That it appears to this Committee, that no money was paid into his Majesty's Exchequer on account of the Duties upon Hawkers and Pedlars, from Midsummer, 1719, to Midsummer, 1723, except 1,500*l.* although the Commissioners for managing the said revenue are required, by act of parliament, to pay all the money arising by the said Duties, into the Exchequer, once in every week. 2. That it appears to this Committee, that by reason of the loose, careless and neglectful management of the late Commissioners for the Duties upon Hawkers and Pedlars, there is a deficiency of 36,693*l.* 13*s.* 5*d.* over and above 6,000*l.* which has been paid by the securities of Thomas Tomkins, late cashier to the said Commissioners."

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Debate thereon.] The said Resolutions, being severally read a second time, were agreed to by the House: After which,

Sir *William Wyndham* took notice of the neglect of those who were a check on the managers of that branch of the public revenue: and who therefore ought in time to have called upon them for the money that passed through their hands, according to the direction of the act of parliament. That it might be said, that they were even more guilty than the Commissioners of Hawkers and Pedlars themselves; since they not only had connived, for four years, at the embezzlement of the public money, but had for three years more neglected to recover the same, and seemed at last to have encouraged a Petition to the House, to have it remitted; and that the granting such a Petition, would be giving a parliamentary sanction to such vile practices, and opening a wide door for the like mismanagements of the public treasure. He was seconded by

Mr. *William Pulteney*, who animadverted very severely on the neglect of the Commissioners of the Treasury, whose office and duty it was, to have called the petitioners to account. Hereupon

Sir *William Yonge* endeavoured to excuse the present administration, the failure of the cashier of the Commissioners of Hawkers and Pedlars, which had occasioned the deficiency in question, having happened before their time; and the multiplicity of arduous, important and intricate affairs that fell out since, having so taken up the attention of the Managers of the Treasury, that it was no wonder if so inconsiderable a branch of the revenue had escaped their notice. And then moved, "That the Petition of the late Commissioners of Hawkers and Pedlars be rejected;" which was carried without dividing. Nevertheless, some gentlemen of the Country Party came on again to the charge, and inveighed against the audaciousness of some persons, who, by their corrupt management, thought themselves so powerful and secure, as to dare to screen the greatest offenders. To which an eminent member replied, That he could not help reflecting on the envy and rancour of some men, who made it their constant business to thwart and revile those who had the honour to have a share in the administration, and who, not satisfied with shewing their malignity within those walls, shot likewise their poison in the dark, and scattered it under allegories in vile libels. —To prevent farther altercation the Courtiers called for the order of the day, and the question being put thereon, it was carried in the affirmative, by 248 voices against 124.

Debate in the Commons on M. de Palm's abusive Memorial.] March 8. Lord *Fitzwilliams*, member for Peterborough, took notice, That on the 2d instant Monsieur de Palm, the Emperor's Resident, in an audience he had of the King, delivered into the hands of his Majesty, a Memorial in Latin, couched in a very indecent and injurious stile, altogether unusual and very unbecoming the majesty of crowned heads; and to add to the indignity, that the said Memorial was the next day publicly dispersed, and that printed copies of translations of it, one in English, the other in French, had been sent to several members of both Houses of Parliament, aldermen of London and other persons, together with a translation in the same languages, of a Letter from the count de Sinzendorf to M. de Palm, wherein that Resident was ordered, To present the said Memorial first to the King of Great Britain, and afterwards to publish it to the whole nation. His lordship added, That this appeal from a foreign power to the people of Great Britain, against their lawful sovereign, was so unprecedented, and so great an insult upon the crown of Great Britain, and on his Majesty's sacred person, that he thought the House ought to resent it in the most lively manner; and thereupon he moved, "That an humble Address be presented to his Majesty, that he would be graciously pleased to give directions, that the said Memorial, presented to his Majesty by M. de Palm the Imperial Resident, might be laid before the House;" and being seconded by sir Gilbert Heathcote, the said Address was ordered to be presented.

March 10. Sir Paul Methuen, by his Majesty's command, laid a copy of M. de Palm's Memorial before the House, together with the Translation of it: whereupon it was resolved to take the same into consideration on the 13th.*

March 13. The Commons proceeded to take into consideration the Memorial presented to his Majesty by M. de Palm; and the translation of the said Memorial being read, complaint was

* From the London Gazette, of Saturday, March 4, 1726-7. Whitehall, March 4.

"This day Mr. Inglis, Marshal and Assistant Master of the Ceremonies, in the absence of sir Clement Cotterell, Master of the Ceremonies, went by his Majesty's order to M. de Palm, the Emperor's Resident, and acquainted him, that he having, in the audience he had of the King on Thursday last, delivered into the hands of his Majesty a Memorial highly injurious to his Majesty's honour, and the dignity of his crown; in which Memorial he has forgot all regard to truth, and the respect due to his sacred Majesty; and the same Memorial being being also publicly dispersed next morning in print, together with a Letter from the count de Sinzendorff to him the said Palm, still more insolent and more injurious, if possible, than the Memorial; his Majesty had thereupon commanded him to declare to him the said Resident, Palm, that his Majesty looked upon him no longer as a public minister, and required him forthwith to depart out of this kingdom."

The Memorial and the Letter abovementioned, are as follows:

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made to the House, that the substance of the said Memorial had been printed and published in a Paper intitled, 'Translation of a Memorial, &c.' whereupon the said Paper was brought up to the table and read; after which the lord Fitzwilliams, sir Robert Walpole, Mr. Onslow, sir William Yonge, Mr. Doddington, and sir William Strickland: also sir William

MEMORIAL presented, in Latin, to the King of Great Britain, by M. de Palm, the Imperial Resident, upon the Speech which his Britannic Majesty made to the two Houses of his Parliament, on the 17-28 of January, 1726-7.

"Most Serene and Potent King,

"As soon as the Speech made by your Majesty to the Parliament of Great Britain now assembled, came to the knowledge of his Imperial and Catholic Majesty, my most gracious master; he was struck with the utmost astonishment, that your Majesty could suffer yourself to be prevailed upon to declare from the royal throne, to that most renowned nation, in a manner hitherto unheard of, as certain and undoubted facts, several things, some of which are strained in that Speech to a wrong sense, some are entirely distant from the intentions of his Imperial and Catholic Majesty; and lastly, (which affect much more sensibly than all the rest) some things absolutely void of all foundation.

"For as to what regards the peace concluded at Vienna with the most serene king of Spain, who can forbear being astonished, that this very peace, which is built on the quadruple alliance signed at London, and other treaties contracted with your Majesty, as its solid and sole foundation; and for the obtaining of which peace, your Majesty, together with your allies, waged so bloody, so long, and so glorious a war, and took yourself so much pains to procure, should now be alledged by your Majesty as a just ground of complaint, and should be made use of as a pretence for these things, which hitherto your ministers have been doing in all parts, to the great detriment of the emperor and the empire, and the public tranquility, and should be represented by your Majesty to the British nation, with so much animosity against the emperor and king of Spain, as a violation of treaties.

"After complaining of the peace made at Vienna, complaint is likewise made of the Treaty of Commerce entered into with Spain, which is calculated to promote the mutual and lawful advantages of the subjects of both parties, which is agreeable to the law of nations, and to the customs of all people in amity with each other; which can in no respect be of any prejudice to the British nation, whether we regard the situation of the countries, or the particular nature of the trade, and which is not in the least repugnant to the treaties made with Great Britain. So that if this Treaty be considered with a mind free from prejudice, and from all design of inflaming the nation, there will remain no pretence to say, that this Treaty can be grievous or hurtful to a nation for which his Imperial Majesty has the greatest affection and esteem, and whose glorious exploits and important succours no time will efface out of his memory.

"The other head of complaint, which contains such things as are void of all foundation, relates principally to that imaginary Alliance which, in the Speech, is called Offensive, and is there supposed to have been made against your Majesty, between the emperor and king of Spain. But it will not only appear how groundless and frivolous this supposition is, from the offer lately made by his Imperial and Catholic Majesty, of entering into a Convention, "De se mutuo non Offendendo," but will be entirely refuted by the consideration of the tenor of the Treaty of Alliance and Friendship itself made with the crown of Spain, and communicated in its whole extent to your Majesty when it was proper; from the words of which, whether the least shadow or appearance of an offensive alliance can be drawn, is submitted to the judgment of the whole world.

"Another part of the complaint relates to the secret Articles made in favour of the Pretender, whereof your Majesty asserts that you have certain and undoubted informations, by which Articles it should have been agreed to set the Pretender on the throne of Great Britain. With what view, on what motive, and to what purpose, these informations, founded on the falsest reports, were represented to the people of Great Britain, is not only easy to be understood by his Imperial and Catholic Majesty, but is obvious to the meanest capacity. But since the inviolable dignity and honour of such great princes cannot suffer that assertions of this nature, intirely unsupported by truth, should be advanced from the royal throne to the whole nation, and to all mankind; his sacred Imperial and Catholic Majesty has expressly commanded me, that I should declare to your Majesty, and to the whole kingdom of Great Britain, how highly he thinks himself affronted thereby, solemnly affirming, upon his Imperial word, that there exists no secret Article nor Convention whatsoever, which contains, or can tend to prove the least tittle of what has been alledged.

"But that the secret designs, which lie concealed under a conduct until this time unheard of, may more manifestly appear, it must be observed, that the time is purposely taken for doing this, when a negotiation is on foot at Paris, for composing the differences which have arisen without any fault of his Imperial and Catholic Majesty; which negociation sufficiently shews how much his Imperial and Catholic Majesty is at all times inclined to peace, and to the religious observation of his treaties.

"As to what is said of Gibraltar, and concerning the siege thereof, under which in the Speech it is insinuated, as if some other design

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Wyndham, Mr. William Pulteney, Mr. Sandys, Mr. Shippen, Mr. Hungerford, and sir John St. Aubin, spoke on this occasion, and agreed in expressing the highest indignation and resentment at the affront offered to his Majesty, by the Memorial delivered by M. de Palm; and, in a particular manner, at his audaciousness in printing and dispersing it

was concealed; the hostilities notoriously committed in the Indies and elsewhere, against the king of Spain, in violation of treaties, seem to have given a very just occasion to the king of Spain for attempting that siege. But as to the intentions and engagements of the emperor upon that Article, it is easy to see what they are, by the Treaty abovementioned, which has been communicated.

"As to what is said in the last place, concerning the Ostend trade, which the goodness of the Catholic King induced him to favour, (being bound by no Treaty) after he had been apprized of the just reasons for the establishment of it, various expedients for a composition have been proposed, not only at the Hague but even lately at Paris, lest this harmless method of providing for the security of the barrier, should prove an obstacle to the common friendship of neighbouring powers.

"Which things being thus, the injury offered to truth, the honour and dignity of his sacred Imperial and Catholic Majesty require, that they should be exposed to your Majesty, to the kingdom of Great Britain, and to the world. And his sacred Imperial Majesty demands that reparation which is due to him by all manner of right, for the great injuries which have been done him by these many imputations."

A LETTER from the Count de Sinzendorf, Chancellor of the Court to his Imperial and Catholic Majesty, sent to Mons. de Palm, the Emperor's Resident at the Court of Great Britain, dated from Vienna the 20th of February, 1727.

"His Imperial and Catholic Majesty judges it indispensably necessary, upon the step which has been lately taken in the country where you are, to send you in the dispatch here annexed, a Memorial, which you are to present to the king of Great Britain, and to publish afterwards, that the whole nation may be acquainted with it, whilst answers are preparing to certain pamphlets published before the opening of the parliament.

"It is easy to see that the Speech was made for no purpose, but to excite the nation to a rupture, and open war with the emperor and Spain, and to make the parliament approve the precipitate and burthensome measures which the government has taken for private ends, but too well known: that not only unwarrantable inferences and pretences have been made use of, but that manifest falshoods have been boldly advanced for indisputable facts, a proceeding never seen before among powers who ought to respect each other, when in the most flagrant wars; from whence it ought to be presumed, that the King, whose sacred mouth ought to be an oracle of truth, must have been himself abused by the suggestions and false reports of those, who have the honour to possess his confidence; and who think it their interest to inflame, by these means, both the prince and the nation, for their own private views and personal preservation, without any regard to the honour of the majesty of the throne, or to the evils which may result from hence to their own country, and to all Europe.

"For these purposes they establish a foundation, and lay down as a certain fact, that there is a positive Article in the Treaty of Alliance between the emperor and the king of Spain, to place the Pretender on the throne of Great Britain, and to invade that kingdom with open force; and this they do, a few days after the minister plenipotentiary of the Catholic King had, before his departure from London, in a Memorial presented in the sacred name of his master, publicly and in the most authentic manner, disavowed these imputations, which sufficiently prove the Emperor's disavowal of the same, since the pretended Article was equally imputed to the two powers, and one of them could not have stipulated any thing in the same Treaty without the other. Besides which, it is to be considered, that six months ago, upon the first reports of these false suppositions, the emperor and king of Spain, in order to silence them, proposed a formal act, "de non offendendo," into which all the allies on one side and the other might enter, and which would effectually have secured the peaceable possessions, of each of the powers contracting, either in the Treaty of Vienna, or that of Hanover, until such time as it had been possible by one general Treaty to remove and quiet the complaints of all sides: but these proposals were rendered ineffectual, by the same views of those persons, who chose rather to hinder the peaceable effects of these just designs, by attacks and open hostilities.

"It is further known, and it is even notorious by the solemn communication made to the King of Great Britain, of the Treaty of Peace concluded at Vienna, between the emperor and king of Spain, that the Treaty of the Quadruple Alliance, made at London the 2nd of August, 1718, has been laid down as the unalterable basis of their Peace; and that all the Articles of this Quadruple Alliance are therein confirmed and corroborated, as if they had been inserted anew: How then can it be supposed, and even given out as a matter of fact, that by another Secret Treaty, signed on the same day, conditions have been established, and engagements taken entirely repugnant to the same?

"Such a thing cannot be advanced, without insulting and injuring, in the most outrageous manner, the majesty of the two contracting powers, who have a right to demand a signal

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throughout the kingdom; and very severe reflections were made on the ill returns from his Imperial Majesty to the great obligations he had to Great Britain. They only differed as to the manner of wording their censure upon so extravagant an insult upon his Majesty; but at last it was moved, and resolved *nem. con.*

"That an humble Address be presented to his Majesty, To express the highest resentment of this House at the affront and indignity offered to his most sacred Majesty, by the Memorial delivered by M. de Palm the Emperor's resident, and at his insolence in printing and dispersing the same throughout the kingdom; to declare their utmost abhorrence of this audacious manner of appealing to the people, against his Majesty: and their detestation of the presumptuous and vain attempt of endeavouring to instil into the minds of any of his Majesty's faithful subjects, the least distrust or diffidence in his most sacred royal word: To return his Majesty the Thanks of this House, for his care and vigilance, in discovering the secret and pernicious designs of his enemies, and his goodness in communicating to his parliament the dangers that threatened this kingdom. And to assure his Majesty, that this House will stand by and support his Majesty, against all his open and secret enemies, both at home and abroad; and effectually defeat the expectations of all such as may have, in any manner, countenanced, encouraged, or abetted the disturbers of the public tranquillity in this extravagant insult upon his Majesty, or flattered them with hopes that an obstinate perseverance in their destructive measures, could stagger the firmness of the British nation, in vindication of his Majesty's honour, and the defence of their rights and privileges."

And a Committee was appointed to draw up an Address upon the said Resolution.

March 14. M. de Palm's Memorial being laid before the Lords, a motion was made to take the same immediately into consideration, upon which lord Lechmere said, That it was to him matter of surprise, that a Memorial in which his Majesty's honour, and the dignity of the crown of Great Britain were so highly concerned, had not been sooner laid before that illustrious assembly, who having the prerogative of approaching nearest the throne, ought to resent, and on all occasions have shewn themselves ready to vindicate any injuries and affronts that are offered to their sovereign. That the affair now before them, was of a very nice nature, and no less importance: that they ought to proceed in it with deliberation, and therefore he moved to put off the consideration of it at least till the next day. But this debate was interrupted by a Message brought by the lord Hervey from the Commons, desiring a Conference with their lordships, upon a matter of the highest importance to the honour and dignity of the imperial crown of Great Britain. This Conference being readily agreed to by the Lords, and the Managers of both Houses met in the Painted Chamber, those of the Commons, desired the concurrence of the Lords to their Address relating to M. de Palm's Memorial; and the Managers for the Commons left the said Address with the Lords, with other Papers relating thereto.

The Joint Address of both Houses to the King, on M. de Palm's Memorial.] March 15. At a second Conference, the Managers for the Lords declared to those of the Commons, that their lordships had agreed to the said Address; which the next day was by

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reparation and satisfaction proportioned to the enormity of the affront, which equally interests their honour, and that faith which ought always to be respected among sovereign princes.

"But if those who endeavour to avail themselves of such feigned recriminations, and to excuse themselves from the blame which their rash and turbulent measures deserve, imagine that this unjustifiable conduct may at last oblige the emperor and king of Spain, to repel force by force, and to defend themselves by all those means which God has put into their hands, from the mischiefs with which they are threatened, and from the insults and attacks which have been actually made use of against them, so far that it has been even attempted to engage the Ottoman Porte in these unparalleled designs; at least, ought they not to publish as antecedent facts, those things which they have reason to apprehend may be the consequence of a war, into which they will have forced these two powers to enter in their own just defence?

"The emperor and king of Spain hope however from the divine goodness, and from the wisdom of persons less prejudiced, and less passionate, that more mature and serious reflections will be made, in order to restore amicably the public tranquillity, and to save all Europe from the misfortunes of a war, stirred up by motives so trifling and groundless, which can tend to nothing but the destruction of the subject, of his estate, and of his commerce.

"Their Majesties, the emperor and the king of Spain, ardently desire the blessing of peace, and to observe their treaties with all their allies, with the strictest fidelity: but as a mutual contract can subsist no longer on one side, than while it remains unbroken on the other; the evil consequences of a rupture, if that should happen, ought to be imputed to those alone who have been the authors of those infractions.

"I have the emperor's express order to write this to you in his name, that you may be able to destroy the falshoods and calumnies, which have been charged on the high contracting parties of the Treaty of Vienna, who have no other view, but that of making peace between themselves, without hurting any one else. I am, &c.

SINZENDORF."

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both Houses presented to the King as follows:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and faithful subjects, the Lords Spiritual and Temporal, and Commons of Great Britain in Parliament assembled, think it our indispensible duty to express the highest resentment at the affront and indignity offered to your most sacred Majesty, by the Memorial delivered by M. de Palm, the Emperor's resident; and at his insolence in printing and dispersing the same throughout the kingdom.

"This audacious manner of appealing to the people against your Majesty, under the pretext of applying to you for redress and reparation of supposed injuries, and turning a Memorial, presented to your Majesty, into a seditious libel, is a proceeding that creates in us the utmost abhorrence and detestation.

"The endeavouring to instil into the minds of any of your faithful subjects, the least distrust or diffidence in your Majesty's most sacred royal word, or to make a distinction between your Majesty and your people, is an attempt as vain as presumptuous; for, by your goodness, the interest of your Majesty and your people is but one, and as inseparable; as their duty, affection and confidence in your Majesty are most justly and deservedly unalterable; and if time has not effaced the memory of the glorious exploits and important succours, confessed to have been received from Great Britain; gratitude, affection and esteem for this nation will be best manifested, by doing honour to the King, whom the people honour, and justice to the people, whose rights and privileges the best of Kings is now defending against the invasions and encroachments made upon them.

"We return your Majesty our sincerest Thanks for your care and vigilance, in discovering the secret and pernicious designs of your and our enemies, and for your goodness, in communicating to your Parliament the dangers that threatened this kingdom.

"And we beg leave to assure your Majesty, That no amusements, by artful or evasive denials, shall lead us into a false security, or divert us from exerting ourselves in vindication of your Majesty's honour, or from defending and supporting your Majesty against all your open and secret enemies, both at home and abroad. And if any among your own subjects have been so wicked as to countenance, encourage and abet the disturbers of the public tranquillity, in this extravagant insult upon your Majesty, or flattered them with hopes, that an obstinate perseverance in their destructive measures could stagger the firmness of the British nation. We are resolved effectually to defeat all such groundless expectations, and to convince the world, that the intrigues of a few cannot, in any degree, abate or slacken that vigour and resolution, with which a true love and concern for our country, a just sense of its interests, and an unshaken loyalty to your Majesty, have inspired us."

The King's Answer.] To this Address his Majesty returned the following Answer:

"My Lords and Gentlemen,

"Your unanimous concurrence, in this dutiful and affectionate Address, gives me the greatest satisfaction. The just concern you express for my honour and the dignity of the crown is very becoming a British parliament. And this fresh proof of your confidence in me will convince the world, that all attempts to divide our hearts and interests will be vain and ineffectual."*

* "The public indignation, excited by the peremptory demand of the restitution of Gibraltar, and the secret articles in the treaty of Vienna, which, according, to the positive declarations, of the king and his ministers, related to the Pretender, was still farther increased by the imprudent conduct of Palm, the imperial minister at London. Caballing with the Hanoverian ministers, and confiding in the counsels of opposition, he advised the emperor, in a letter which fell into the hands of the ministers, to make a public declaration, that the assertions contained in the speech were false.

"Guided by this imprudent advice, the emperor, who was wholly unacquainted with the principles of the English constitution, ordered Palm to present a memorial to the king. In this memorial, the imperial minister, after reflecting on the speech, and after denying, in his master's name, in the most solemn manner, the existence of any secret articles, concluded in these words: "Which things being thus, the injury offered to truth, the honour and dignity of his sacred Imperial and Catholic Majesty require, that they should be exposed to your Majesty, to the kingdom of Great Britain, and to the whole world: and his sacred Imperial Majesty demands that reparation which is due to him by all manner of right, for the great injuries which have been done by him these many imputations."

"This Memorial was printed and circulated, and was accompanied with a letter from the imperial chancellor, count Zinzendorff, enjoining Palm to publish it, that the whole nation might be acquainted with it. The intemperate language used in these papers, and the indiscretion of distinguishing between the king and his subjects, and of appealing from the throne to the nation, excited the just resentment of parliament. The Memorial being submitted to the House of Commons, not only those who supported government, but even Pulteney, sir William Wyndham, Shippen, and the leading members in opposition, agreed in expressing the highest indignation at this affront offered to the crown, and strongly reprobated the audacity of the imperial minister. The whole House unanimously adopted the address drawn up by Walpole. Soon after the

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Debate in the Commons on a Motion for a Vote of Credit.] April 12. After the reading of the order of the day, for the House to resolve itself into a Committee of the whole House to consider farther of the Malt Bill, Mr. Scrope moved, That it be an instruction to the said Committee, that they have power to receive a Clause of Appropriation, with a power to his Majesty to apply such sums of money as shall be necessary for answering and defraying such expences and engagements, as have at any time been, or shall before or until the 25th of December 1727, be made by his Majesty, in concerting such measures as he, in his great wisdom, thinks will best conduce to the security of the trade and navigation of this kingdom, and to the preserving and restoring the peace of Europe.

He was seconded by Mr. Farrer, and backed by sir Edmund Bacon, lord Gage, sir William Yonge, sir Philip Yorke, Mr. Talbot and Mr. Doddington, who alledged, in support of the motion, That his Majesty was so unwilling to put his subjects to any extraordinary expences, that he had demanded no more supplies this session, than what he thought absolutely necessary for the service of the year: but that, in the present posture of affairs, some unforeseen accidents might require a farther expence, for which no estimate could now be made, because some Treaties, which his Majesty thought fit to enter into, were not yet finished; therefore they ought to enable his Majesty to answer such contingencies; That the House had several times reposed the same confidence in his Majesty, which had never been abused; and what was now asked was only for a short time.

They were opposed by Mr. How, Mr. Winnington, Mr. Hopkins, Mr. St. John Broderick, sir Wilfrid Lawson, lord Morpeth, Mr. Thomas Broderick, Mr. Gore, Mr. Wortley Montague, Mr. Lutwych, Sir William Barker, Mr. Danvers, Mr. Daniel Pulteney, Mr. Shippen, sir William Wyndham, Mr. Palmer, and Mr. Sandys, who urged, That it was unparliamentary to ask or grant Supplies without an estimate of the expence; That the Clause moved for was inconsistent with that part of the Bill which forbids the issuing of the Supplies thereby granted, to any other purposes than those specified; and rendered ineffectual that appropriation of the public money, which the wisdom of all parliaments had thought a necessary security against the misapplication of it, which was the more to be feared, because no provision was made to oblige any person to account for any money that should be disposed of, by virtue of the power in this clause. That vast sums had already been granted, which appeared sufficient to answer any occasions, as far as their present views could reach; and if any unexpected emergency should demand a further supply, it might be provided for, in the usual manner, when necessity required: That this might be done with less inconvenience, and with less danger of misapplication, than by such a delegation of almost a dictatorial authority to the ministers. That this parliament had already given so many instances of their zeal and affection for his Majesty, that there could be no room to doubt of their readiness to make good whatever his Majesty should expend, in concerting such measures as, in his great wisdom, he should think most conducive to the advantage and interest of his people. That such an unlimited and absolute power ought never to be given in a free government but upon occasions of evident necessity, when the very being of the government is in imminent danger. That the reposing a confidence in the crown, in the disposition of such immense sums of money, as by the advice of unthrifty ministers may be expended, might be attended with great prejudice to the properties of the subject, and great danger to our most excellent constitution, which cannot be preserved, but by a strict adherence to those essential parliamentary forms of granting Supplies only upon Estimates, and of appropriating the same to services and occasions publicly avowed and judged necessary. That the departing from these excellent methods would, by degrees, render parliaments altogether useless. That the precedents alledged to justify this Clause were far from being full to the point, and satisfactory; and if they were, ought not to be followed, lest clauses of the same nature might become so frequent, as in time to lodge in the crown, and in the ministers, an absolute and uncontroulable power of raising money upon the people, which by our wise constitution is, and with safety can only be, lodged in the whole legislature.

Mr. *Hungerford* observed, in particular, That they had already given four shillings in the pound upon land, which he could not but think a very heavy and extraordinary tax, especially considering they were more than once

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presentation of this address, Palm was commanded to leave the kingdom; the British resident at Vienna quitted the imperial dominions, and as the Spanish minister had previously taken an abrupt departure, a rupture with Spain and the emperor appeared to be unavoidable. The most active preparations were made on all sides; Spain commenced hostilities by the siege of Gibraltar, and expected to be seconded by the whole force of the house of Austria. A bloody war would have been the consequence of this attack, had the emperor fulfilled the treaty of Vienna; or had England and France instantly directed their whole force against the restless and ambitious court of Madrid. Fortunately, the pacific sentiments of Walpole and Fleury began to operate on the affairs of Europe, and the government of England exhibited a striking instance of vigour and moderation; of vigour in the preparations for war, and of moderation in suspending the blow, at the very moment in which it was ready to strike with effect." Coxe's Walpole.

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told by a great man, that in his opinion we should have no war: But if now they passed this Clause, it would be tacking a tail to a whale, which might sweep away the other sixteen.

The debate being ended about eight in the evening, and the question put upon Mr. Scrope's motion, it was carried in the affirmative, by 225 voices against 109; and the House having resolved itself into a Grand Committee, the clause above mentioned was added to the Malt-Bill.

Debate in the Lords on the Vote of Credit.] April 18. The Lords, in a Grand Committee, took into consideration a Bill, 'For continuing 'the Duties on Malt,' &c. when there arose a very great debate about the following Clause, viz. "That out of the Supplies granted this session, there may be issued such sums of money as shall be necessary for defraying such expences and engagements, as have at any time been, or till Christmas next may be made, by his Majesty, in concerting such measures as he thinks proper for the security and interest of these kingdoms, and restoring the peace of Europe." The dukes of Argyle and Newcastle, the lord Townshend, and the bishop of Peterborough, spoke for the Clause: The earl of Chesterfield, lord Bathurst, lord Bingley, and lord Lechmere, against it: but it was carried by 76 voices against 20, that the said Clause should make part of the Bill.

Protest thereon.] Next day the said Bill was read the third time, and the question being put that the said Bill do pass? it was resolved in the Affirmative; Contents 73; Not-Contents 17.

Dissentient'

1. "Because in this Bill it is enacted, 'That 'out of the aids or supplies, granted this ses-'sion of parliament, there shall and may be, 'from time to time, issued or applied such sum 'or sums of money, as shall be necessary for 'and towards answering and defraying such ex-'pences and engagements as have at any time 'been, or shall, before or until the 25th day of 'December 1727, be made by his Majesty, in 'concerting such measures as he, in his great 'wisdom, thinks will best conduce to the secu-'rity of the trade and navigation of this king-'dom, and to the preserving and restoring the 'peace of Europe.' Which Clause, we think, is inconsistent with that part of the Bill, which forbids the supplies to be issued for any other purposes than those specified, and renders ineffectual that appropriation of the public money, which the wisdom of many parliaments has thought, and we are convinced, ought to be thought a necessary security against the misapplication of it.

2. "Because there is no provision in the Bill to oblige any person to give an account of any money, that shall be disposed of by virtue of the power in this Clause.

3. "Because there are sufficient sums granted to answer every particular purpose that money can be wanted for, as far as our present views can reach; and if any unforeseen emergency should demand a further supply, we should think that might be provided for, as has been formerly practised, when necessity required; and we are persuaded this might be done with less inconvenience, than by this delegation of almost a dictatorial authority, at least, till the parliament could be called together, who have given so many instances of their zeal for his Majesty, that he could have no room to doubt of their readiness to make good whatever he should have expended for the advantage of his people.

4. "Because we think, that absolute powers ought to be given in a free government only upon occasions of evident necessity, and when the very being of the government is in danger; and though we allow our present circumstances to be as melancholy as they have almost at any time been, yet we think it a very improper remedy for our present state to depart from the approved, and in our judgment, essential forms of giving the public money; nor can we be persuaded, that is the only, or even the best expedient that can be found to extricate us out of our unhappy situation, to repose such a confidence in the crown, in the disposition of immense sums of money, as may by the advice of wicked and incapable ministers (if it should be our misfortune ever to have such) be attended with great prejudice to our properties, and great danger to our liberties, with the hopes of the preservation of which we cannot flatter ourselves, but by a strict adherence to those excellent parliamentary methods, of granting all sums of money only upon estimates, and for services publicly avowed.

5. "Because the precedents that were offered to justify this clause were far from giving us any satisfaction, for if they had been plain and full to the point (which we think they were not) yet, in our opinions, ought not to be followed, lest clauses of the same nature might become too frequent, and lest an unlimited power in the crown to raise millions on our fellow-subjects might be looked upon by degrees as a thing of course, and so at last the total power to levy and dispose of the people's money be given to one part of the legislature, which by our wise constitution is, and with safety can only be lodged in the whole.——*(Signed,)* Strafford, Warrington, Scarsdale, Coventry, Oxford and Mortimer, Gower, Litchfield, Boyle, Bingley, Lechmere, Aylesford, Foley, Maynard, Bathurst, Aberdeen, Craven, Brooke."

April 26. The Commons went into a Grand Committee to consider further of Ways and Means for raising the Supply: and sir William Yonge moved, "That towards raising the Supply granted to his Majesty the sum of 370,000*l.* be raised by Loans or Exchequer Bills to be charged on the Surpluses arisen or to arise from and after Michaelmas 1726, for the du-

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ties on coals and culm, granted by an act of the fifth of his Majesty's reign, from the 29th of September 1725, to Lady-day 1751, and by a subsequent act of the sixth year of his Majesty's reign, made perpetual, and which are reserved for the disposition of parliament." This motion was seconded by Mr. Doddington, and backed by sir Charles Turner, Mr. H. Pelham, Mr. Talbot, Mr. Onslow and sir Philip Yorke; but was strenuously opposed by Mr. Shippen, Mr. How, Mr. Hungerford, sir Joseph Jekyll, Mr. Barnard, Mr. Bootle, Mr. Wortley Montague, sir William Strickland, Mr. Palmer, Mr. Hutcheson, Mr. William Pulteney, and sir William Wyndham. The objections offered against the motion, were, That, by several votes and acts of parliaments, all the exceedings or Surpluses of public funds were to be applied towards the lessening of the Public Debts, or to the increase of the Sinking Fund; and that this disposition could not be altered without wounding public credit, which was already extreme low, since the taking off any part of the mortgage could not but lessen the security of the debt. That it was somewhat strange, such a motion should be made by those very persons who had the honour of being in the administration, who could not have forgot what his Majesty had so strongly recommended from the throne, at the opening of this session, "That the produce of the Sinking Fund might be immediately applied to the uses for which it was so wisely contrived, and to which it now stands appropriated." And that this motion was still the more surprizing, after the large Vote of Credit the House had so lately come to. To all this the Court-Party answered, That the Surpluses on Coals could not be deemed a part of the Sinking Fund, since they had never been appropriated, but were reserved for the disposition of parliament. And the question being, at last, put upon sir William Yonge's motion, it was carried in the affirmative, by 209 voices against 82.

April 27. Mr. Farrer reported the said Resolutions, which being agreed to, a Bill was ordered to be brought in thereupon, which the next day was read the first time.

May 4. The said Bill was read the third time, passed, and sent up to the Lords, and afterwards passed into an Act.

GEORGE THE FIRST'S LAST SPEECH TO HIS PARLIAMENT.] May 15. The King came to the House of Peers, with the usual state, and the Commons attending, his Majesty gave the royal assent to several Bills; after which, the Lord Chancellor read his Majesty's Speech to both Houses, as follows:

"My Lords and Gentlemen;

"I acquainted you at the opening of this session, with the dangers which threatened this kingdom, and the peace and liberties of Europe. I am now to return you my thanks for the zeal and dispatch with which you have proceeded upon the several points I then recommended to your care; for the confidence you have reposed in me; and for the assurances you have given me of your support and assistance in vindication of my honour and in the maintenance and defence of the undoubted rights and privileges of this nation, so openly and notoriously invaded and attacked.

"The siege of Gibraltar proves, beyond all dispute, the end and design of the engagements entered into by the emperor and the king of Spain; but the preparations I had made for the defence of that place, and the bravery of my troops, will, I doubt not, convince them of the rashness and folly of that undertaking. However, the love of peace has hitherto prevailed upon me, even under this high provocation, to suspend, in some measure, my resentments; and instead of having immediate recourse to arms, and demanding of my allies that assistance which they are engaged and ready to give me, I have concurred with the most Christian King and the States General, in making such overtures of accommodation, as must convince all the world of the uprightness of our intentions, and of our sincere disposition to peace; and demonstrate to whose ambition and thirst of power the calamities of a war are to be imputed, if these just and reasonable propositions are rejected. In the mean time, I have the pleasure to acquaint you, that the crown of Sweden has acceded to the Treaty of Hanover, and that the Convention between me, his most Christian Majesty, and the king of Denmark, is actually signed.

"Gentlemen of the House of Commons;

"The vigour and chearfulness you have shewn, in raising so effectually, and upon such easy terms, the necessary Supplies for the service of the current year, are not only instances of your zeal and affection to me, but demonstrate the established credit, power, and strength of this kingdom.

"My Lords and Gentlemen;

"It would have been a great satisfaction to me, if before your separation I had been able to speak to you more positively, and with greater certainty, upon the present posture and state of affairs: but as you have now dispatched the public business, and as the season of the year requires your going into your respective countries, I choose rather to put an end to this session, than to keep you any longer together unnecessarily. The provisions you have made, and the perfect union and harmony between me and my allies, will, I hope, enable me, by the Divine Assistance, either to withstand and defeat the designs of our enemies, if their conduct shall bring upon us the necessity of a war; or to improve the blessings of peace if peace can, with justice, honour and security, be obtained."*

* "At this period, Walpole stood in the highest estimation with the king and nation; and his pacific sentiments were so well known, that all who desired the blessing of peace, wished for his continuance in office; yet rumours of a change in administration were believed and

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Then the Lord Chancellor, by the King's Command, prorogued the Parliament to the 27th of June.

DEATH OF GEORGE THE FIRST.

George the First had not visited his German dominions these two years, and, therefore, soon after the breaking up of the parliament, he prepared for his journey to Hanover, where he thought to enjoy the fruit of his labours in peace, or continue his endeavours for the good of the common cause. Having appointed the lords justices for the administration of the government he embarked at Greenwich, on board the Carolina yacht, the 3d of June, attended by the earl of Ilay and the lord Townshend. The king landed, on the 7th, at Vaert in Holland, where he lay that night. The next day he proceeded on his journey to Hanover; and, on the 9th of

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circulated; and a formal attempt was made by Bolingbroke, in co-operation with the duchess of Kendal, to obtain his removal, and to substitute himself in his place. A full account of this intrigue, which has occasioned various conjectures and uncertain speculations, is here given from undoubted authorities.

"The Duchess of Kendal, who, by the death of lady Darlington, remained without a rival in the confidence of the King, had, in consideration of 11,000*l.* assured lord Bolingbroke that she would obtain his complete restoration; but having failed in effecting her promise, she threw the whole blame on sir Robert Walpole as the person who obstructed the King's designs in his favour: and though she was inclined to second all attempts for the purpose of obtaining his disgrace, yet many circumstances prevented her from exerting her influence in favour of Bolingbroke.

"She was become timid and cautious; fearful of distressing the mind of the king, who was declining in years and health, and easily depressed. She was unwilling to offend the ministers, who, besides the payment of a pension of 7,500*l.* from the Exchequer, which it depended on their punctuality to discharge, secured her good-will by private presents, and supplied her with various means of gratifying her rapaciousness. She affected great concern for the interest of England, and sacrificed to her own tranquillity the concerns of the Hanoverian junto. Under these circumstances, it was no easy task to rouse her active exertions; but Bolingbroke paid assiduous court; his wife was no less constant in her attendance, and both anxiously watched for a favourable opportunity, which at length seemed to present itself.

"The eldest son of sir Robert Walpole had been appointed ranger of Richmond Park, and the minister, while a new lodge was building, took a small tenement on Richmond Hill, where the King after shooting occasionally dined with him, and passed the afternoon drinking punch, of which he was excessively fond, in an easy and convivial manner.

"The duchess, alarmed at this familiar intercourse, and anxious to render these visits less frequent, attempted, by means of some of her German friends, who were generally of the party, to break up the meeting sooner than the usual time of retiring; but their attempts having no effect, the duchess listened to the overtures of Bolingbroke, who artfully fomented her jealousy against sir Robert Walpole, and prevailed on her to second his efforts.

"He drew up a long memorial, full of invectives against the minister, which the duchess of Kendal secretly delivered to the King. After stating in various instances the misconduct of administration, he concluded by requesting an audience, and undertook to demonstrate that the kingdom must inevitably be ruined, should sir Robert Walpole continue at the head of the treasury. The King put this memorial into the hands of the minister, who concluded, that the person who conveyed it, could not be ignorant of the contents: after some inquiry, he traced it to the duchess of Kendal, who, on being interrogated, acknowledged that she had delivered it, and attempted to justify her conduct by frivolous excuses. Walpole, in reply, only entreated her as a favour, to second the instances of Bolingbroke, and to procure for him that audience which he so earnestly solicited. The duchess, after several endeavours to excuse herself, promised compliance; and at a proper interval, Walpole besought the King to grant an audience to Bolingbroke; and urged the propriety, by observing, that if this request was rejected, much clamour would be raised against him for keeping the King to himself, and for permitting none to approach his person who might tell unwelcome truths.

"The King declined complying in so positive a manner, that Walpole could not venture to press it any farther in person; but waited on the duchess to renew his application. He found lady Bolingbroke on a visit, and when she retired, was informed, that the King was unwilling to admit Bolingbroke, on a supposition that it would make him uneasy. Walpole repeated his earnest entreaties, and declared that he could not be easy, until the audience was granted. These pressing solicitations finally had their effect; and Bolingbroke was admitted into the closet.

"While Walpole was attending in an adjoining apartment, lord Lechmere came, and demanded admission for the signature of papers, which he had brought as chancellor of the duchy of Cornwall. He was informed that Bolingbroke was with the King, and that Walpole was also waiting. In the midst of his surprise, Bolingbroke coming out, Lechmere instantly rushed into the closet, and without making any apology, or entering upon his own business, burst out into the most violent invectives against Walpole, whom he reviled as

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June, between ten and eleven at night, arrived at Delden, in all appearance of perfect health. He supped there very heartily, and eat an orange, but no melon, as was reported; and, having rested well that night, set out from Delden about four the next morning. Between eight and nine he ordered the coach to stop, in order to make water, and perceiving, that one of his hands hung motionless, said, 'I cannot move this hand.' Monsieur Fabrice rubbed it with both his, but to no effect; upon which he called the surgeon (who followed on horseback) who rubbed it also with spirits. In this interval the king's eyes and mouth began to move strangely, and his tongue to swell, so that he could not speak. The surgeon, taking it for an apoplectic fit, opened a vein, and the King recovered his speech, so as to say, 'Hasten to Osnaburg;' but immediately fell into a slumber in Fabrice's arms. As the violent motion of the coach could not keep the King awake, Fabrice asked the surgeon, What he thought of him? who answered, he despaired of his life. Fabrice ordered him to take care of him, and rid post himself from the last stage to Osnaburg, to prepare the duke of York, the King's brother, for such unexpected news. The King being arrived there about ten, was immediately carried to bed, where he continued speechless and in agonies till two o'clock in the morning, on Sunday the 11th of June, when he expired in the 68th year of his age, and 13th of his reign; and was interred at Hanover, among his ancestors.*

not contented with doing mischief himself, but as having introduced one who was, if possible, worse than himself, to be his assistant. The King, delighted with this mistake, calmly asked him, if he would undertake the office of prime minister. Lechmere made no reply, but continued pouring forth his invectives, and finally departed without having offered any of the papers to sign. Walpole found the King so highly diverted and occupied with this incident, that it was some time before he had an opportunity of enquiring the subject of Bolingbroke's conversation. The King slightly answered, "Bagatelles, bagatelles."

"Thus was this formidable attack defeated by the prudence and firmness of the minister; the King continued his confidential visits, and on his departure for Hanover, ordered him to have the lodge in Richmond Park finished against his return.

"Such is the account of this extraordinary transaction, given by Walpole himself; yet other reports have been circulated, which deserve consideration. Bolingbroke so confidently and repeatedly asserted, that on the King's return from Hanover, he should be appointed minister, that this opinion obtained belief, not only from his friends and partisans, but from others who were less inimical to the minister, and less desirous of his fall. Swift expresses his hopes on the subject, with his usual freedom, in a letter to Dr. Sheridan, May 13th, 1727; and Atterbury drew up a memorial to cardinal Fleury, in which he treated the fall of the minister as a certain event. Pelham also told speaker Onslow, that at this period, Walpole was so convinced of Bolingbroke's intended elevation, as to have adopted the resolution of resigning and accepting a peerage, but was deterred by the remonstrances of the duke of Devonshire, and the representations of the Princess of Wales, who dissuaded him from accepting an office which would incapacitate him for taking his accustomed lead in the House of Commons.

On the other hand, Horace Walpole, lady Walsingham, and the duchess of Kendal herself, in a conversation with Sir Matthew Decker, asserted that the King did not intend to dismiss Walpole. It is not difficult, however, to reconcile these contradictory reports. It was natural for Bolingbroke to propagate an opinion tending to exalt his own importance; it is probable that Walpole, in a peevish moment of dissatisfaction, might have expressed a resolution of retiring; and the whole account might possibly have received its greatest authority from Walpole's own declaration, that knowing the venality of the duchess of Kendal, her ascendancy over the King, and the influence of Bolingbroke over her, he was not without apprehensions that her efforts might have finally succeeded." Coxe's Walpole.

* "The King departed for Hanover on the 3rd of June; he enjoyed perfect health till he arrived at Delden. He was entertained by the count de Twittel, at a country house about 20 miles from that town. The King eat some melons after supper, which probably caused the indigestion of which he died. He returned that evening to Delden, and set out early the next morning, after having breakfasted on a cup of chocolate. On his arrival at Bentheim, the King felt himself indisposed, but continued his journey in opposition to the repeated entreaties of his suite. His indisposition increased, and when he arrived at Ippenburen, he was quite lethargic; his hand fell down as if lifeless, and his tongue hung out of his mouth. He gave, however, signs of life, by continually crying out, as well as he could articulate, Osnaburg, Osnaburg. This impatience to reach Osnaburg, induced the attendants not to stop at Ippenburen, but to hasten on, in hopes of arriving at that city before he died. But it was too late. The exact time and place of his death cannot be ascertained; but it is most probable, that he expired either as the carriage was ascending the hill near Ippenburen, or on the summit. On their arrival at the palace of his brother, the bishop of Osnaburg, he was immediately bled, but all attempts to recover him proved ineffectual. A courier had been dispatched to the duchess of Kendal, who had remained at Delden, with the account of the King's dangerous situation; he met her on the road, about two miles the other side of the Rhine; but as she was hastening on, another courier announced his death. She beat her

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Thus died George the First, who may truly be considered as more fortunate in more important circumstances of his life and affairs, than any prince of the last or present century. This good fortune, which is often the reward of virtue, and as often the effect of prudence, attended him as well before as after his accession to the crown of Great-Britain. The esta-

breast, tore her hair, and gave signs of extreme grief; and then dismissing the English ladies who accompanied her, took the road to Brunswic, where she continued three months.*

"Lord Townshend, who was on his journey to Hanover, repaired instantly to Osnaburg, where he arrived on the 22d, early in the morning; but finding the King demised, he wrote a letter of condolence and congratulation to the new sovereign, and taking post, pursued his journey to England.

"Before I conclude the reign of George the First, one remarkable fact must not be omitted. As the King could not readily speak English, nor sir Robert Walpole French, the minister was obliged to deliver his sentiments in Latin; and as neither could converse in that language with readiness and propriety, Walpole was frequently heard to say, that during the reign of the first George, he governed the kingdom by means of bad Latin. It is a matter of wonder, that under such disadvantages, the King should take pleasure in transacting business with him; a circumstance principally owing to the method and perspicuity of his calculations, and to the extreme facility with which he arranged and explained the most abstruse and difficult combinations of finance.

"It has been already observed, that George the First had, by a left-handed marriage, espoused the duchess of Kendal, though his real wife, the unfortunate Sophia Dorothy, was still alive. Sophia was the only child of William duke of Zell, by Eleanor d'Emiers, of the house of Olbreuse, in France; she was born in 1666, and her hand was courted by the most powerful princes of Germany. His father Ernest Augustus having once designed him for the princess Anne, afterwards queen of England; he actually went to England to pay his addresses, and was well received and approved by the whole court. But he was recalled by his father, who had suddenly concluded a match for him with his cousin.

"Sophia, at the time of their marriage, was only sixteen years of age, and was a princess of great personal charms and mental endowments; yet her attractions did not retain the affections of her husband. After she had brought him a son and a daughter, he neglected his amiable consort, and attached himself to a favourite mistress.

"Such was the situation of Sophia, when count Konigsmark, a Swedish nobleman, arrived at Hanover. He was a man of a good figure, and professed gallantry; had been formerly enamoured of Sophia at Zell, and was supposed to have made some impression on her heart. On the sight of her, his passion, which had been diminished by absence, broke out with increasing violence; he had the imprudence publicly to renew his attentions; and as George was absent at the army, made his solicitations with redoubled ardour. Information of his attachment, and of his success, was conveyed to Ernest Augustus; and one evening, as the count came out of her apartment, and was crossing a passage, he was put to death by persons placed to intercept him, in the presence of the elector; and tradition still marks the spot where this assassination was committed. Sophia was immediately put under arrest; and though she solemnly protested her innocence, yet circumstances spoke strongly against her.

"George, who never loved his wife, gave implicit credit to the account of her infidelity, as related by his father; consented to her imprisonment, and obtained from the ecclesiastical consistory, a divorce, which was passed on the 28th of December 1694. And even her father, the duke of Zell, who doated on his only daughter, does not seem to have entertained any doubts of her guilt; for he continued upon the strictest terms of friendship with Ernest Augustus, and his son-in law.

"The unfortunate Sophia was confined in the castle of Alden, situated on the small river Aller, in the duchy of Zell. She terminated her miserable existence, after a long captivity of thirty-two years, on the 13th of November 1726, in the sixty-first year of her age, only seven months before the death of George the First; and she was announced in the Gazette, under the title of the Electress Dowager of Hanover.

"During her whole confinement, she behaved with no less mildness than dignity; and on receiving the sacrament once every week, never omitted on that awful occasion, making the most solemn asseverations, that she was not guilty of the crime laid to her charge. Subsequent circumstances have come to light, which appear to justify her memory; and reports are current at Hanover, that her character was basely defamed, and that she fell a sacrifice to the jealousy and perfidy of the countess of Platen, favourite mistress of Ernest Augustus. Being enamoured of count Konig-

* The duchess of Kendal was sister of Frederic Achatius, count of Schulenburgh and Hedlen. Petronelle Melesina, countess of Walsingham, who afterwards married the earl of Chesterfield, was supposed to be her daughter by George the First, though she was considered as her niece. The duchess returned to England, and died in 1743 at a very advanced age. She principally resided at Kendal House, Isleworth, which was after her death converted into a tea garden. Her immense property was divided amongst her German relations, and the countess of Chesterfield.

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blishment of the electoral dignity in his family, was a work which, though begun by his father, was reserved for him finally to accomplish. A large accession of dominion fell to him by his succeeding to the dukedom of Zell, whereby he became one of the greatest princes of Germany, and by far the most powerful person that ever stood next heir to the British throne. The duchy of Bremen, and the bishopric of Osnaburg, considerably strengthened his interests in the empire, and gave an additional weight to the Protestant cause.

But his good fortune appeared in nothing so remarkable as in the removal of those seemingly invincible obstacles to his succession to the crown of these kingdoms. Queen Anne had high notions of hereditary right; and, in the latter part of her reign, slavish doctrines in support of the indefeasibleness of that right, were avowed in numerous addresses. Preparations were made for the execution of purposes well understood, though not expressly avowed. The ministers, and all who had been the sure supports of the Hanover succession, had been disgraced. Many favourable concessions were made to our often defeated enemies, who, both by interest and inclination, were the protectors and friends of the Pretender. The administration of affairs was committed to the most daring and determined, and the nation deluded into madness for destruction. But, amidst these apprehensions and dangers, the queen's sudden and unexpected death gave the fortunate elector of Hanover an easy and unmolested accession to the throne.

King George did not labour under king William's first disadvantages. His and their countries enemies were well known, and could with no colour of right demand confidence and power. After strong professions of submission and loyalty, many actually entered into rebellion; and greater numbers wished it success. The murmurings and complaints, which were occasioned by the disgrace of the general and ministry, who had raised the credit and glory of the nation to an height before unknown, had been resented as unpardonable affronts to the royal prerogative: And yet, when the successor removed those, from whom he had received many indignities, and of whose measures and designs to defeat him of his royal dignity, he had many and undoubted proofs, this was represented as extreme partiality and injustice; and in public, and on the most solemn occasions, it was pleaded as a just provo-

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smark, who slighted her overtures, jealousy took possession of her breast: she determined to sacrifice both the lover and the princess to her vengeance, and circumstances favoured her design.

"The prince was absent at the army: Ernest Augustus was a man of warm passions and violent temper, easily irritated, and when irritated, incapable of controul. Sophia herself had treated count Konigsmark with regard and attention, and the lover was hot-headed, self-sufficient, priding himself on his personal accomplishments, and accustomed to succeed in affairs of gallantry.

"Those who exculpate Sophia, assert either that a common visit was construed into an act of criminality; or that the countess of Platen, at a late hour, summoned count Konigsmark in the name of the princess, though without her connivance; that on being introduced, Sophia was surprised at his intrusion; that on quitting the apartment, he was discovered by Ernest Augustus, whom the countess had placed in the gallery, and was instantly assassinated by persons whom she had suborned for that purpose.

"It is impossible, at this distance of time, to discover and trace the circumstances of this mysterious transaction, on which no person at the court of Hanover durst at that time deliver his opinion. But the sudden murder of count Konigsmark may be urged as a corroboration of this statement: for had his guilt, and that of Sophia been unequivocal, would he not have been arrested and brought to a trial for the purpose of proving their connection and confronting him with the unfortunate princess?

"Many persons of credit at Hanover have not scrupled, since the death of Ernest Augustus and George the First, to express their belief that the imputation cast on Sophia was false and unjust. It is also reported, that her husband having made an offer of reconciliation, she gave this noble and disdainful answer of haughty virtue, unconscious of stain: "If what I am accused of is true, I am unworthy of his bed; and if my accusation is false, he is unworthy of me; I will not accept his offers."

"George the Second, who doated on his mother, was fully convinced of her innocence. He once made an attempt to see her, and even crossed the Aller on horseback, opposite to the castle, but was prevented from having an interview by the baron de Bulow, to whose care the elector, her husband, had committed her. Had she survived his accession, he intended to restore her to liberty, and acknowledge her as queen dowager. Her memory was so dear to him, that he secretly kept her portrait in his possession: and the morning after the news of the death of George the First had reached London, Mr. Howard observed (in the antichamber of the king's apartment) a picture of a woman in the electoral robes, which proved to be that of Sophia.

"George the Second told queen Caroline, that in making some repairs in the palace of Hanover, the bones of count Konigsmark were found under the floor of the antichamber which led to the apartment of Sophia. The queen mentioned this fact to sir Robert Walpole, and in various conversations which she held on this subject, she appeared fully convinced of her innocence; an opinion which the minister himself constantly adhered to." Coxe's Walpole.

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cation to rebellion, and all punishments of the authors of so much mischief and misery were opposed under the pretence of being acts of inhumanity and cruelty.

There are many circumstances not publicly known, which, if brought to the light, would demonstrate the king's extraordinary good fortune in defeating the rebellion. Besides what broke out in the North, the associations and preparations in the South and the West were great and numerous. Caution, fearfulness, and delay, prevented the execution of measures, which could hardly have failed of proving fatal to the government. Such a multitude of enemies in so many places would have divided the troops, and have rendered the army insignificant in the defence of the whole. The march of part of the rebels into England, their trifling at Preston, and their speedy defeat, were of unspeakable advantage, by effectually discouraging insurrections in many other places; whereas a few days march further would have very much swelled their numbers, and given them a dangerous strength.

But nothing could be more fortunate to the king than the death of Lewis 14, of France. From him the rebels would have received all sorts of succours and supplies. Bigotry and revenge animated the whole French nation with unanimous zeal for the success of the Pretender. And even a minority, a contested regency, and the probable need, which the regent might have of our support, did not prevent all assistance. However, those circumstances proved a powerful restraint; and the situation of the neighbouring nations was an eminent security to this reign. The utmost degree of aversion and jealousy subsisted between the regent of France and the court of Madrid; which was properly improved by destroying the growing naval power of Spain; and our surprizing and complete advantage in this affair utterly disappointed the vast designs of an able and enterprising minister.

The invasion and rebellion, in 1719, are the less remembered, because not one person suffered death on that account. The Spanish fleet with 5,000 soldiers suffered so much in a storm, as to be obliged to return home; but about 400 of them landed in Scotland, where they were joined by a considerable body of Highlanders, but were soon defeated, by an inferior number of the king's forces.

The king of Sweden's death was far from being the least considerable of many favourable events; for, had that implacable monarch lived, his designs against Denmark would probably have succeeded; and then he would have had full leisure and opportunity for transporting his hardy troops into Scotland.

But, on the other hand, how great and uncommon soever the king's good fortune was in removing all obstructions, and firmly establishing himself in the throne, it was not without some allay. Had his succession taken place before the change of the ministry, and the disgrace of the general, it would have been infinitely more happy, not only for the nation but for the lasting tranquillity and liberties of Europe. France would then have been compelled to give up the Spanish monarchy. By advantages in trading to the dominions of Spain, in Europe and America, and by several concessions, we should have had ample means of repairing the losses sustained in a long and expensive war. The House of Bourbon had been reduced within their proper bounds, and ceased to have been the terror and scourge of their neighbours.

To this may be added, that king George came to a people who had been corrupted both in their political and religious notions, and had been taught an aversion to our natural allies, and to all foreign Protestants, while an esteem and affection for France, and a tenderness for many doctrines of Popery had been infused into them with great success; and these prejudices had indisposed the nation to submit to a Protestant prince, while the dangers from a popish one were not attended to. The advantages likewise of a prosperous war, and many valuable branches of commerce had been given up or neglected; and the revenue was loaded with a very heavy debt. The authors of these calamities had the art and assurance to impute the consequences of them to the king and his ministers; and their peace-making had left Europe in such a state, and their principles infected the nation to such a degree, that a good body of regular troops was absolutely necessary to the safety of the nation; and yet this was exclaimed against as inslaving it.

The moderate and sure methods of discharging the public debts which had been offered, having been neglected, the South-Sea scheme took place, to the great misfortune and disgrace of this reign, as well as of the nation in general; and though men of all parties and degrees upon this occasion equally renounced common sense and honesty, yet they transferred the whole blame from themselves to the government. But whatever mistakes or misfortunes happened, they cannot justly be imputed to the king, whose integrity and good designs were eminent and undoubted, and his resolution to govern agreeable to our laws and constitution steady and unalterable; though the best understanding, and the best disposition are not always secure from the arts of bold and ambitious men.

With regard to the management of affairs abroad, a due attention was paid to the feeble and corrupt state of our allies; and the eager and hasty disposition of the people for war, their perpetual complaints of the wisest conduct, cavilling at the most affecting successes, soon growing weary of the expence, and longing for peace on any terms, were well considered; but at the same time the dignity and honour of the nation were maintained in our methods of composing the disorders and disturbances; which was performed with as little expence and hazard as possible; and preventative and defensive measures were the wise

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and safe politics, the happiness and glory of his reign.

As king James, instead of giving the laws their proper course, assumed a power to dispense with them; and as queen Anne was flattered into a persuasion that the legal authority was unlimited; King George, on the contrary, desired no power but what enabled him to promote the welfare of his subjects, and was too wise to deem those his friends who would have made their court to him by the profession of an obedience which they never practised, and which has always proved fatal to those princes who have put it to the trial. He had given a proof his sovereign virtues before he exercised them in this nation. His natural inclination to justice led him to rule his German subjects in the same manner that our constitution directed him to govern the English. He regarded civil liberties as the natural rights of mankind, and therefore indulged them to a people who pleaded no other claim to them than his own goodness. The consistency of his behaviour was such that he inflexibly pursued those measures which appeared the most just and equitable. As he was most prudent in laying proper schemes, he was no less remarkable for his steadiness in accomplishing what he had once concerted. To this uniformity and firmness of mind which appeared in all his proceedings, the successes that attended him were chiefly owing. His martial virtues were no less conspicuous than his civil, though for the good of his subjects he studied to decline all occasions of military glory. He had acquired great reputation in his younger days, in Hungary and the Morea, when he fought against the Turks, as well as in Germany and Flanders, where he commanded against the disturber of the peace of Europe. And, as if personal courage was an hereditary virtue of his family, three of his brothers fell gloriously in the field, fighting against the enemies of their country, and his son (his present majesty king George 2.) fought with the bravery of his father at the battle of Audenarde, when the sons of France and the Pretender fled before him.

As to his more private virtues, he was of a grave, easy, and calm temper, and generous upon all occasions; and the serenity and benignity of his mind discovered themselves in his countenance, and captivated the love and veneration of all, who approached him.*

* Tindal.

GEORGE THE SECOND.

A. D. 1727.

ACCESSION OF GEORGE THE SECOND.] On Wednesday the 14th of June 1727, about three o'clock in the afternoon, a messenger brought the news of the death of King George the first to sir Robert Walpole, then at Chelsea, who immediately carried it to the Prince and Princess of Wales* at Richmond; Whereupon their royal highnesses came with all speed to Leicester House. Here they found several Lords of the Privy Council, and many other persons of distinction, who drew up and signed a Proclamation for proclaiming his royal highness King of these realms; but it being then late at night, the ceremony was put off till the next

"* The news of the king's death had no sooner reached London, than a general belief was current that the administration would be totally changed. It was credited, that sir Robert Walpole had irretrievably offended the new king, when prince of Wales, as he had been frequently heard to protest, that when he came to the throne, that minister should never be employed.

"Pulteney, before their open rupture, had informed the prince of Wales of some disrespectful expressions used on a former occasion, and told him that he was sold to his father's ministers, by persons who considered nothing but themselves and their own interest, and were in haste to make their fortunes. Since their quarrel, he had undoubtedly exaggerated this representation, and, as he continued on good terms at Leicester house, naturally used his whole credit against Walpole.

"Bolingbroke and the Tories had also caballed at Leicester house, and were supported by the whole weight and influence of the favourite, Mrs. Howard. Swift also, in a letter to his friend Dr. Sheridan, mentions the hopes of the Tories, and the certain dismission of Walpole. In fact, Walpole himself was at this moment convinced of his removal, and yet was well satisfied that his exclusion could not be of long continuance. In conformity with these sentiments, he said to his friend sir William Yonge, 'I shall certainly go out; but 'let me recommend you not to go into violent 'opposition, as we must soon come in again."

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morning. In the mean time, his Majesty caused all the Lords and others of the late King's Privy Council, to be sworn of his Majesty's Privy Council.

And afterwards, his Majesty, in council, was pleased to make the following Declaration, viz.

"The sudden and unexpected death of the

In this moment of probable disgrace, Walpole was deserted by many of his friends; and sir Spencer Compton, whom the king had already avowed his intention of appointing minister, became the idol of the day. But the event turned out otherwise, and the public expectations were disappointed.

"It is now well known, that the continuance of the new administration was principally owing to the influence of queen Caroline; and writers of great credit, but not acquainted with the interior situation of Leicester house at that period, have not scrupled to ascribe her patronage of sir Robert Walpole, solely to the offers which he made to obtain from parliament a jointure of 100,000*l.* a year, when sir Spencer Compton could only venture to propose 60,000*l.* as if motives of sordid interest had alone induced the queen to protect the minister; and as if her conduct was derived from an instantaneous impulse, unconnected with any previous communication or intercourse. The offer had doubtless its due effect; but a number of circumstances combined to influence her in favour of sir Robert Walpole.

"The queen was by no means ignorant of his character and abilities. While he was in opposition to government, from 1717 to 1720, he had continued in the highest favour with the prince of Wales. During this period, a woman of her good sense, could not fail of distinguishing that capacity for business, those powers of intellect, which raised him to the head of his party; and his wise and able conduct upon the failure of the South Sea scheme, naturally increased this prepossession in his favour.

"He had, in conjunction with lord Townshend, gratified the prince of Wales, by obtaining from the king the garter for the earl of Scarborough. And count Broglio, the French embassador, observes on this occasion, 'That 'ministers not unfrequently procured places 'for those persons who were attached to the 'prince, from the consideration that the time 'might come, when such a conduct would turn 'out to their advantage.'

"The duke of Devonshire, who had always been the great friend and supporter of Walpole, had continued on good terms with the princess of Wales. He had strongly impressed her with sentiments of high regard for his abilities and ministerial capacity, and had represented him as the person who had principally counteracted the intrigues of the Jacobites, discovered the plot of bishop Atterbury, and whose good offices were essentially employed in preserving the family on the throne. Nor can a stronger proof be alledged of the height to which this confidential intercourse was carried, than that the resolution which he had once formed to resign, was communicated by the duke of Devonshire to the princess, and that she persuaded him to relinquish the design.

"But the principal cause which secured to him the protection of the queen, was his prudent behaviour in regard to Mrs. Howard. He had penetration sufficient to foresee, that George the Second would be governed by his wife, whom he adored, and of whose abilities and good sense he had formed the highest idea, and not by his mistress, of whose judgment he never entertained any favourable opinion. The minister had always treated the princess of Wales with the highest respect, and declined paying court to Mrs. Howard; a mode of conduct, which, according to the opinion of superficial observers would inevitably bring on his disgrace, but which, in effect, contributed to his continuance in office. A contrary mode of proceeding had inspired the queen with an invincible aversion to Pulteney, Bolingbroke, and the Tories. Hence she used all her influence with the king not to change the administration.

"The account of the king's death was brought first to the minister at Chelsea, in a dispatch from lord Townshend, who had accompanied George the first to the continent. He instantly repaired to the palace at Richmond. The king was then retired, as was his usual custom, to his afternoon's nap. On being informed that his father was dead, he continued for some time incredulous, until he was told that the minister was waiting in the antichamber with the express. He at length started up, and made his appearance half dressed; but he still retained his unbelief, until the dispatch from Townshend was produced. Walpole having knelt down, and kissed his hand, inquired whom his Majesty would be pleased to appoint to draw up the declaration to the privy council? "Compton," replied the king with great abruptness, and Walpole quitted the apartment under the most mortifying impressions. He immediately waited on sir Spencer Compton with the king's commands, who, unacquainted with the etiquette and forms of expression used on the occasion, avowed his ignorance, and requested the minister to draw up the declaration. Walpole complied, and Compton conveyed it to the king.

"Walpole passed the two days which immediately followed the accession of the new King, in great agitation and concern, and held several conferences with his friends at Devonshire House. Scrope, secretary to the treasury, who was admitted to one of these meetings, described the whole company, absorbed in gloom and consternation. Either the next, or the following day, Scrope repeated his visit to the desponding minister, and found no alteration in his mien and appearance. He first encouraged him in general terms to hope, and then added

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King, my dearest father, has filled my heart with so much concern and surprise, that I am at a loss, how to express myself upon this great and melancholy occasion.

reasons for that encouragement, which he had from one, whose name he could not divulge. His friend had informed him, that queen Caroline was displeased with Compton, who had been deficient in deference, and respect, and had conceived a high opinion of Walpole's ability for finance. She used to converse with George the First at chapel, on political subjects; and once in particular, having observed that a want of proper funds would oblige him to disband his Hanover troops, he replied, "No, for Walpole can convert stones into gold." This anecdote recurred to her recollection; she communicated it to the King, and exerted herself to abate his predilection for Compton, and influence him in favour of Walpole. The truth of the information soon appeared; the queen was assiduously employed in removing the prejudices of the King. She represented the folly and hazard of dismissing a well established ministry, and of forming a motley cabinet of Whigs and Tories; and artfully took an opportunity of hinting the imprudence of placing a man at the head of the ministry, who could not draw up the declaration to be laid before the privy council, but was compelled to have recourse to him who was about to be dismissed; she also hinted to him, that sir Robert Walpole had agreed to carry through the House of Commons, an augmentation of 130,000*l.* to the civil list.

"These representations had their effect; and with them, many other causes co-operated to change the King's sentiments. Sir Spencer Compton found himself unequal to the weight of government, and was not eager to take upon him so responsible an office. He was convinced, that he could not bear up against the opposition of sir Robert Walpole, who had so much weight in the House of Commons, and who would be supported by the united interests of Newcastle, Devonshire, Townshend, and the great leaders of the Whigs, unless a Tory administration was formed. George the Second was averse to throw himself into the hands of the Tories, and yet could not form a new ministry, which promised stability, without taking that step. Pulteney, the only man of great weight and influence among the Whigs in opposition, was by no means attached to the Tories, and would not have heartily coalesced with them. Bolingbroke was so extremely unpopular, that his re-establishment in the House of Lords, and his admission into the ministry, would have occasioned great murmurs and discontents among those who usually supported government. Lord Carteret, the only man of abilities who was cordially inclined to join the Tories, had little personal consequence, was not the leader of any party, and did not possess the smallest influence in the House of Commons.

"The situation of foreign affairs also no less contributed to confirm the King in his resolution not to remove the ministry. The treaty of Hanover had been recently concluded, and the negotiations for the consummation of that alliance were in great forwardness. They had been planned and were conducting by lord Townshend, in co-operation with France. The opposition had warmly resisted the treaty, and might have introduced a new plan, which must have deranged and overturned the whole system of foreign politics. Cardinal Fleury, who then governed France, was intimately connected with Horace Walpole; he had adopted the pacific sentiments which influenced the English cabinet, and deprecated the change of that system which had kept Europe in peace for so long a period. When the news of the King's death reached Paris, Horace Walpole requested and obtained an immediate conference, which took place at Versailles on the ensuing day. In this conference, the French minister conveyed, in the strongest terms, professions of friendship from Louis the Fifteenth to George the Second; and in his own name declared his firm resolution to maintain the good understanding between the two crowns. He also expressed these sentiments in a letter which he wrote on the same day to Horace Walpole. Immediately after the conference, Horace Walpole quitted Paris, without waiting for leave of absence, repaired to London, and delivered his letter to the King in person. The King was at first extremely dissatisfied with him for quitting his station so abruptly; but during the conference, which lasted two hours, he gradually softened, as Horace Walpole explained, with great address, the relative situations of England and France, effaced the ill impressions that he had entertained of his and his brother's conduct, and confirmed the sentiments of the French cabinet, which were contained in the letter from cardinal Fleury. Accordingly, the King wrote, with his own hand, a letter to the cardinal, in which he declared his resolution to pursue the same measures as were pursued by his father, and to continue the same ministers who had conducted those measures.

"Under these circumstances, the offer which had been made to Compton, was the only remaining impediment to the continuance of Walpole. The manner of surmounting this difficulty was previously concerted. The Queen having, in the presence of Walpole, repeated to Compton the intimation that the King intended to place him at the head of the treasury; Walpole instantly declared his ready acquiescence, and gave assurances of his best assistance and support. Compton was extremely affected at this instance of his master's kindness, and shed tears, as he declared his incapacity to undertake so arduous a trust.

"While this scene was passing in the closet, the door of sir Spencer Compton's house in St. James's Square was besieged by persons of all ranks, who crowded to pay their court to the new minister. As Walpole was passing through

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"I am sensible of the weight that immediately falls upon me, by taking the government of a nation so powerful at home, and of such influence and consequence abroad: but my love and affection to this country, from my knowledge and experience of you, makes me

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the square in his carriage, he said to a friend who was with him, 'Did you observe how my 'house is deserted, and how that door is 'crowded with carriages? To-morrow the scene 'will be changed: that house will be deserted, 'and mine will be more frequented than ever.'

"As his continuance in office was the work of the Queen, it was through her that it was first made known to the public. On the first drawing-room which she held at Leicester House, lady Walpole, among others, presented herself; but as there was a great crowd, and her husband was supposed to have received his dismission, no one retired, till the Queen perceiving her at some distance, beckoned to her, and said, 'There I am sure I see a friend;' instantly the whole company made way. She approached the Queen, and kissed her hand; her Majesty spoke to her in a most gracious manner, and lady Walpole, in relating the anecdote to her son, from whom I received it, added, 'and in returning I might have walked 'upon their heads, so eager were they to pay 'their court to me.'

"From this moment Walpole was courted, Compton in his turn deserted, and the ministry, with very few alterations, continued in their former offices. On the 24th of June, the very day in which Swift said the ministry would be changed, Walpole was re-appointed First Lord Commissioner of the Treasury and Chancellor of the Exchequer, and lord Townshend again received the seal of Secretary of State. An attempt was finally made by the party, through Mrs. Howard, to prevail on the King to confer an earldom on lord Bathurst; but that measure being thwarted by the influence of the queen, they relinquished all hopes of success, and Bolingbroke retired from London in disgust.

"Queen Caroline possessed great art in bending the king's mind to the purposes which his English minister thought advantageous and necessary, and in counteracting the Hanoverian cabals. She always affected to retire when the minister came into the closet, declared she did not understand business, and only remained as if to obey the king's commands, and not out of inclination or curiosity. She never appeared to listen; never gave her opinion unless solicited, and then delivered it with a modesty and humility which captivated and charmed the king. She was extremely fond of power, though she affected the contrary, and preserved her influence over the king by consummate discretion. She was a friend to peace, and appreciated and enforced the pacific system of sir Robert Walpole, as the only means of preserving the interior tranquillity, and preventing a rebellion; as the great cause of the national prosperity, of the increase of commerce, and of the improvement of manufactures and agriculture.

"The interposition of Queen Caroline, and the assistance which she gave to the ministry, in regulating the conduct of affairs, was of the highest advantage both to them and the country. She was not unacquainted with the constitution of England; and she often prepared and smoothed the way towards obtaining the king's consent to measures which he had first opposed, because they often ran counter to his German prejudices, or to his passion for military glory.

"From the time of his accession to the hour of her death, the king always appointed her, during his absence, regent of the kingdom, and an act of parliament was passed for the express purpose of exempting her from taking the oaths. He uniformly expressed as much satisfaction, when the affairs of government were conducted by her, as when they were conducted by himself; an honourable testimony of his confidence, which she amply merited by her consummate good sense and discretion.

"In consequence of the re-appointment of Townshend and Walpole, not a single member of the cabinet council was removed, excepting the earl of Berkeley, first lord of the Admiralty, who was replaced by sir George Byng, viscount Torrington, the confidential friend of Walpole; and the power of the minister was increased by the nomination of several of his friends to subordinate offices in the Treasury, Admiralty, and other boards of government." Coxe's Walpole.

"At the Accession of George 2, the nation had great reason to wish for an alteration of measures. The public debt, notwithstanding the boasted œconomy and management of the ministers, notwithstanding the sinking fund, which had been extolled as a growing treasure sacred to the discharge of national incumbrances, was now increased to 50,261,206*l.* 19*s.* 8*d* ½. The kingdom was bewildered in a labyrinth of treaties and conventions, by which it stood engaged in pecuniary subsidies to many powers upon the continent, with whom its real interests could never be connected. The wealth of the nation had been lavished upon those foreign connexions, upon unnecessary wars, and fruitless expeditions. Dangerous encroachments had been made upon the constitution, by the repeal of the act for triennial parliaments; by frequent suspensions of the Habeas Corpus act upon frivolous occasions: by repealing clauses in the act of settlement; by votes of credit; by habituating the people to a standing army; and, above all, by establishing a system of corruption, which at all times would secure a majority in parliament. The nature of prerogative, by which the liberties of the nation had formerly been often endangered, was now so well understood, and so securely restrained, that it could no longer be used for the same oppressive purposes: Besides, an avowed ex-

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resolve chearfully to undergo all difficulties, for the sake and good of my people.

"The Religion, Laws, and Liberties of the kingdom are most dear to me; and the pre-

tension of the prerogative required more ability, courage and resolution, than the present ministry could exert. They understood their own strength, and had recourse to a more safe and effectual expedient.

"The vice, luxury, and prostitution of the age, the almost total extinction of sentiment, honour, and public spirit, had prepared the minds of men for slavery and corruption. The means were in the hands of the ministry: the public treasure was at their devotion: they multiplied places and pensions, to increase the number of their dependants: they squandered away the money of the nation without taste, discernment, decency, or remorse; they inlisted an army of the most abandoned emissaries, whom they employed to vindicate the worst measures, in the face of truth, common sense, and common honesty; and they did not fail to stigmatize as Jacobites, and enemies to the government, all those who presumed to question the merit of their administration.

"The supreme direction of affairs was not yet engrossed by a single minister. Lord Townshend had the reputation of conducting the external transactions relating to treaties and negociations. He is said to have understood that province, though he did not always follow the dictates of his own understanding. He possessed an extensive fund of knowledge; and was well acquainted with the functions of his office. The duke of Newcastle his colleague was not remarkable for any of these qualifications: he owed his promotion to his uncommon zeal for the illustrious house of Hanover, and to the strength of his interest in Parliament, rather than to his judgment, precision or any other intellectual merit. Lord Chesterfield, who may be counted an auxiliary, though not immediately concerned in the administration, had distinguished himself in the character of envoy at several courts in Europe. He had attained an intimate knowledge of all the different interests and connections subsisting among the powers of the continent; and he infinitely surpassed all the ministers in learning and capacity. He was, indeed, the only man of genius employed under this government. He spoke with ease and propriety: his conceptions were just and lively; his inferences bold; his counsels vigorous and warm. Yet he depreciated his talents, by acting in a subordinate character to those whom he despised; and seemed to look upon the pernicious measures of a bad ministry with silent contempt, rather than with avowed detestation. The interior government of Great-Britain was chiefly managed by sir Robert Walpole, a man of extraordinary talents, who had from low beginnings raised himself to the head of the treasury. Having obtained a seat in the lower house, he declared himself one of the most forward partisans of the whig faction. He was endued with a species of eloquence, which, though neither nervous nor elegant, flowed with great facility, and was so plausible on all subjects, that even when he misrepresented the truth, whether from ignorance or design, he seldom failed to persuade that part of his audience for whose hearing his harangue was chiefly intended. He was well acquainted with the nature of the public funds, and understood the whole mystery of stock-jobbing. This knowledge produced a connexion between him and the money-corporations, which served to enhance his importance. He perceived the bulk of mankind were actuated by a sordid thirst of lucre: he had sagacity enough to convert the degeneracy of the times to his own advantage; and on this, and this alone, he founded the whole superstructure of this subsequent administration. In the late reign he had, by dint of speaking decisively to every question, by boldly impeaching the conduct of the tory ministers, by his activity in elections, and engaging as a projector in the schemes of the monied-interest, become a leading member in the House of Commons. By his sufferings under the tory parliament, he attained the rank of a martyr to his party: His interest, his reputation, and his presumption daily increased: he opposed Sunderland as his rival in power, and headed a dangerous defection from the ministry, which evinced the greatness of his influence and authority. He had the glory of being principally concerned in effecting a reconciliation between the late King and the Prince of Wales: Then he was re-associated in the administration with additional credit; and from the death of the earls of Sunderland and Stanhope, he had been making long strides towards the office of prime-minister. He knew the maxims he had adopted would subject him to the hatred, the ridicule, and reproach of some individuals, who had not yet resigned all sentiments of patriotism, nor all views of opposition: but the number of these was inconsiderable, when compared to that which constituted the body of the community; and he would not suffer the consideration of such antagonists to come in competition with his schemes of power, affluence and authority. Nevertheless, low as he had humbled anti-ministerial association, it required all his artifice to elude, all his patience and natural phlegm, to bear the powerful arguments that were urged, and the keen satire that was exercised against his measures and management, by a few members in the opposition. Sir William Wyndham possessed all the energy of elocution; Mr. Shippen was calm, intrepid, shrewd, and sarcastic: Mr. Hungerford, sly, insinuating, and ironical. Mr. William Pulteney inherited from nature a good understanding, which he had studiously cultivated. He was one of the most learned members in the House of Commons; extremely well qualified to judge of literary productions: well read in history and politics; deeply skilled in the British constitution, the detail

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servation of the Constitution in Church and State, as it is now happily established, shall be my first, and always my chief care.

"And as the alliances entered into by the late King, my father, with foreign powers, have contributed to the restoring the tranquillity, and preserving the balance of Europe, I shall endeavour to cultivate those alliances, and to improve and perfect this great work, for the honour, interest, and security of my people.*"

Whereupon, the Lords of the Council made it their humble request to his Majesty, that his Majesty's most gracious Declaration to their lordships might be made public; which his Majesty was pleased to order accordingly.

The next morning about ten o'clock his Majesty was proclaimed; first, in the court before Leicester House, where the officers of state, nobility and privy counsellors were present, with the officers of arms, all being on

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of government, and the nature of the finances. He spoke with freedom, fluency, and uncommon warmth of declamation, which was said to be the effect of personal animosity to sir R. Walpole, with whom he had been formerly connected." Smollett.

* "George the Second, son of George the First, by Sophia princess of Luneburgh Zell, was born at Hanover on the 30th of Ocober 1683, and principally educated under the direction of his grandmother, the electress Sophia. Being at a very early period initiated into the profession of arms, he made the campaign of 1708 with the allied army in the Netherlands, under the command of the duke of Marlborough. He greatly distinguished himself as a volunteer at the battle of Oudenard, where he charged the enemy at the head of the Hanoverian dragoons, and had his horse shot under him. In 1708, he was created duke of Cambridge, and knight of the garter; and at the accession of George the first, was so elated, that he said to an English gentleman, 'I have not one drop of blood in 'my veins which is not English, and at the 'service of my father's subjects.' He accompanied the king to England; soon after he had taken his seat in the privy council, was created prince of Wales; and during the King's absence in 1716, was appointed guardian and lieutenant of the realm.

"The unfortunate misunderstanding which took place between him and his father, has been already related; and although a reconciliation was effected through the interposition of Devonshire and Walpole, yet it was more apparent than real: the king gave a strong proof that his jealousy was not abated, by never again consigning to him the government of affairs during his absence. Notwithstanding this cause of dissatisfaction, the prince, from the period of the reconciliation, seldom formally opposed his father's government; but passed a retired life, confining himself principally to a small circle of select friends, with whom he lived in habits of strict intimacy: of these, the earl of Scarborough and sir Spencer Compton were the most favoured.

"George the Second was, at the time of his accession, in the 45th year of his age; and bore the character of a prince of high integrity, honour, and veracity. His countenance was pleasing, dignified and expressive, with prominent eyes, and a Roman nose. In person he was well proportioned, but much below the middle size. He possessed one great advantage over his father, that he was not ignorant of the language and constitution of England, although his knowledge of both was limited. He was naturally reserved, except to those who belonged to his household, or were admitted to his familiar society, fond of business, and of great application whenever application was necessary; well acquainted with the state of foreign affairs; and his observations and replies to the notes of his ministers, dictated by the occasion, prove good sense, judgment and rectitude of intentions. His temper was warm, vehement and irritable; prone to sudden emotions of anger, and not easily appeased. He was slow in deliberation, cautious in decision; but his opinion once formed, he became inflexible, and impatient of remonstrance. He was strictly œconomical, punctual in the discharge of his expences; so peculiarly methodical in all his actions and occupations, that, to use the expression of a nobleman much about his person, 'he seemed to think his having 'done a thing to-day, an unanswerable reason 'for his doing it to-morrow.' He was rigidly attached to etiquette and punctilious forms, and fond of military parade; without the smallest taste for the arts, or love of science, like his father, he gave no patronage to literature, unless from the suggestions of his queen, or the intercession of his ministers. Cold and phlegmatic in his general appearance, he at the same time possessed a high degree of sensibility; of which he gave many proofs, particularly on the death of his queen, and the resignation of sir Robert Walpole, which would appear incredible to those who are not acquainted with his domestic character. The love of women was his predominant weakness; but it did not lead him into any excesses which affected his public character, or interfered with the interest of his kingdom. He had seen, and lamented, that his father had been governed by his mistresses; and was so extremely cautious to avoid a similar error, that the countess of Yarmouth, the only one among them who possessed any real influence over him, could seldom venture to exert her interest in public concerns. She once requested Horace Walpole to procure a trifling place for one of her servants, but charged him not to mention to the king that it was at her request; 'because (she added) if 'it is known that I have applied, I have no 'chance of succeeding.'

"But his conduct was far different in regard to queen Caroline, of whose judgment and good sense he had the highest opinion, and in whom he ever placed the most implicit confidence,

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foot; then the officers of arms being mounted on horseback, the like was done in Leicester square, at Charing Cross, within Temple-Bar, at the end of Wood-street in Cheapside, and lastly at the Royal Exchange, with the usual solemnities: The principal officers of state, a great number of the nobility, and other persons of distinction, attending during the whole ceremony.

The PROCLAMATION was as follows:

"Whereas it hath pleased Almighty God to call to his mercy our late Sovereign Lord King George of blessed memory, by whose decease

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Some of the French writers call history *la fable convenue*, and not without some degree of reason: for most histories are written either by authors who have been themselves interested in the events which they relate, and gloss over the transactions of their own party, or are composed by writers who have not access to original papers, know little more than common occurrences, and derive the principal information from uncertain publications, traditional reports, gazettes, and newspapers. The personage whose character I am attempting to delineate, will afford a striking example of the truth of these observations; for it is a remarkable fact, that the historians of the reign of George the Second, scarcely mention the name of queen Caroline, who almost entirely governed the King during the first ten years of his reign; who bore her faculties so meekly, and with such extraordinary prudence, as never to excite the least uneasiness even in a sovereign highly tenacious of his authority, but contrived that her opinion should appear as if it had been his own; who solely occasioned the continuance of Sir Robert Walpole in the ministry; who patronised and promoted Herring, Hoadley, Clarke, Hare, Sherlocke, Butler, and Pearce; and without whose recommendation or concurrence, scarcely any situation in church or state was conferred.

"Carolina Wilhelmina, daughter of John Frederic, Margrave of Anspach, by the princess of Saxe-Eysenach, was born in 1683. Having lost her father when she was very young, and her mother marrying John George the Fourth, elector of Saxony, she was left under the guardianship of Frederic, elector of Brandenburgh, afterwards king of Prussia; passed part of her early days at the court of Berlin, and received her education under the superintendance of her aunt, the accomplished Sophia Charlotte, sister of George the First. From her example and instructions, she imbibed that politeness of demeanour and dignity of character, those sentiments of philosophy, that ardent love of learning, and fondness for metaphysical knowledge, which merited the eulogium of Clarke and Leibnitz.

"She gave an early instance of her attachment to the Protestant religion. The fame of her beauty and accomplishments attracted the notice of the archduke Charles, son of the emperor Leopold the first, and afterwards Emperor himself, who made a tender of his hand. Not allured with the splendour of the family into which she might have been adopted, she declined the offer without hesitation: "But Providence (observes Addison) kept a store in reward for such an exalted virtue; and, by the secret methods of its wisdom, opened a way for her to become the greatest of her sex among those who profess that faith to which she adhered with so much Christian magnanimity."

"Caroline espoused, in 1705, George the second, then electoral prince of Hanover. She was esteemed handsome before she had the small-pox, and became too corpulent. Tickell did not flatter her in his poem of Kensington Gardens, when he said;

"Here England's daughter, darling of the land,
Sometimes, surrounded with her virgin band,
Gleams through the shades. She, tow'ring o'er the rest,
Stands fairest of the fairer kind confest;
Form'd to gain hearts that Brunswick's cause deny'd,
And charm a people to her father's side."

She had a hand and arm greatly admired for its whiteness and elegance, a penetrating eye, "and a smile celestial," an expressive countenance, great sweetness and grace, particularly when she spoke. But these charms of her person were far surpassed by the endowments of her mind. She possessed quickness of apprehension, a natural good understanding, which had been duly cultivated; and obtained a considerable knowledge in many branches of useful and polite literature.

"Her levees were a strange picture of the motley character and manners of a queen and a learned woman. She received company while she was at her toilette; prayers, and sometimes a sermon, were read; learned men and divines were intermixed with courtiers and ladies of the household: the conversation turned on metaphysical subjects, blended with repartees, sallies of mirth, and the tittle-tattle of a drawing-room. She had a happy turn for conversation, and a readiness in adapting her discourse to the persons with whom she talked; possessed peculiar talents for mirth and humour; excelled in mimicry, and was fond of displaying it; was pleased with making a repartee herself, and with hearing it from others. Her conduct, during the unfortunate misunderstanding which took place between George the First and her husband, when prince of Wales, was so prudent and dignified, that the late King always behaved to her with marks of due respect and affection, though he never cordially loved her. Yet notwithstanding her courtesy, affability of deportment, condescension to men of letters, and fondness for social intercourse, she had a high notion of the regal station, and was partial to the etiquette of a court; she seldom forgot that she was a queen, and always kept up a due state both in public and private. She would occasionally dine with sir Robert Walpole at

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the Imperial Crowns of Great Britain, France and Ireland, are solely and rightfully come to the high and mighty Prince George, Prince of Wales: We therefore the Lords Spiritual and Temporal of this realm, being here assisted with those of his late Majesty's Privy Council, with numbers of other principal gentlemen of quality, with the Lord Mayor, Aldermen, and Citizens of London, do now hereby, with one full voice and consent of tongue and heart, publish and proclaim, That the High and Mighty Prince George, Prince of Wales, is now, by the death of our late Sovereign, of happy memory, become our only lawful and rightful liege Lord, George the Second, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c. To whom we do acknowledge all faith and constant obedience, with all hearty and humble affection: Beseeching God, by whom Kings and Queens do reign, to bless the royal King George the Second, with long and happy years to reign over us.

"Given at the Court at Leicester House, this 14th day of June, 1727. God save the King."

The Parliament meets.] June 15. The Parliament, though prorogued to the 27th of June, met this day, in pursuance of the Act of the 4th and 5th of Queen Anne, chap. 8, by which it is enacted as follows, viz: 'That this present Parliament, or any other parliament hereafter summoned by her Majesty, her heirs and successors, shall not be determined or dissolved by the death or demise of her said Majesty, or of her heirs and successors; but such parliament shall continue, and immediately meet, sit, and act, notwithstanding such death or demise, during the time of six months, unless the same shall be sooner prorogued, or dissolved, by such person who shall be next heir

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Chelsea; but even her visits to a favourite minister were subjected to form and etiquette: she sat down to table with lady Walpole, the royal family whom she brought with her, and the lady in waiting: sir Robert always stood behind her chair, and gave her the first plate; then retired into another apartment, where dinner was served for him and the queen's household.

"Queen Caroline was fond of conversing and corresponding with men of learning, and particularly with divines, whom she often perplexed with questions concerning the doctrines of the different churches, and consulted with a view of settling her faith. Hoadley, Clarke, Hare, and Sherlocke, were among the number to whom she principally applied. She carried on a correspondence on these subjects, by means of her bed-chamber woman, Mrs. Clayton, afterwards lady Sundon, who had acquired a powerful ascendancy over her. The divine whom she most particularly noticed, and by whose conversation she often owned that she was most instructed, was Dr. Clarke, whose profound learning, in all branches of sacred and profane literature, was scarcely ever equalled, whose piety was unquestioned, and whose playful manners and placid temper rendered him as amiable as he was learned. Dr. Clarke had only the rectory of St. James's, which was given him by queen Anne, and the mastership of Wigston Hospital; and queen Caroline proposed placing him on the bench, an honour which Clarke invariably declined. Finding that he persisted in his refusal, she desired sir Robert Walpole to try the powers of his rhetoric, which had never been employed in vain on a similar occasion. The minister obeyed; and in a conference at Kensington palace, used every argument in his power to prevail on Clarke to accept the proffered dignity: when Clarke declined, he continued to press it; and the conference was so long that the candles were burnt down in the sockets; and the pages came into the apartment to know if fresh lights were not wanted. But the rhetoric of the minister had no effect, and the queen was highly disappointed, that she was prevented from placing Dr. Clarke on the bench of bishops.

"Queen Caroline maintained a correspondence with Leibnitz on the most abstract sciences, in which she supremely delighted; and in the course of this literary intercourse, the German philosopher having insinuated some suspicions that the foundations of natural religion were in danger of being hurt by the doctrines of Sir Isaac Newton, she applied to Clarke for an answer to this suggestion. The answer brought on a reply, and the reply a second answer, and the controversy was carried on with all the spirit and learning which those great philosophers could throw into such dry subjects as the principles of natural religion and philosophy, and free-will and fatality. They submitted their respective arguments to the princess as to an umpire; and vied in unfolding their systems in as conspicuous a manner as the nature of so intricate a subject would allow. The princess was highly flattered with this arbitration, and permitted Dr. Clarke, whose opinion she seems to have embraced, to dedicate to her the account of the controversy. In this dedication, the learned author has not omitted to pay a tribute to her desire of knowledge and love of truth, in a strain of panegyric which could hardly be avoided on such an occasion. Nor was it solely dictated by flattery; for Whiston informs us, that he often heard Clarke speak with admiration of her marvellous sagacity and judgment, in the several parts of the dispute.

"But although this accomplished princess possessed considerable influence over George the Second, she had acted with so much caution, and behaved with such moderation and prudence, that she was considered at the time of his accession, by the party in opposition, as a mere cypher, and the whole power and influence over the King was supposed to be lodged in the hands of Mrs. Howard, afterwards countess of Suffolk." Coxe's Walpole.

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to the crown of this realm in succession.' The Parliament being met accordingly was prorogued by commission from his Majesty King George the Second, till the 27th instant.

The King's Speech to both Houses on his Accession to the Crown.] June 27. His Majesty, being seated on his royal throne, adorned with his crown and regal ornaments, and attended with his officers of state; the Lords being also in their robes; commanded the Gentleman Usher of the Black Rod to let the Commons know, 'His Majesty commands their immediate attendance in this House.' Who being come, with their Speaker; his Majesty was pleased to speak as follows:

"My Lords, and Gentlemen,

"I am persuaded that you all share with me in my grief and affliction for the death of my late royal father; which, as it brings upon me the immediate care and weight of the government, adds very much to my concern, lest I should not be as successful in my endeavours, as I am above all things desirous, to make you a great and happy people.

"I heartily wish that this first solemn declaration of my mind in parliament could sufficiently express the sentiments of my heart, and give you a perfect and just sense of my fixed resolution, by all possible means, to merit the love and affection of my people; which I shall always look upon as the best support and security of my crown.

"And as the religion, liberty, property, and a due execution of the laws, are the most valuable blessings of a free people, and the peculiar privileges of this nation; it shall be my constant care to preserve the constitution of this kingdom, as it is now happily established in Church and State, inviolable in all its parts; and to secure to all my subjects the full enjoyment of their religious and civil rights.

"I see with great pleasure the happy effects of that vigour and resolution which was exerted, in the last session of parliament, for the defence of the rights and possessions of this nation, and for maintaining the tranquillity and balance of power in Europe. The strict union and harmony which has hitherto subsisted among the allies of the treaty of Hanover has chiefly contributed to the near prospect of a general peace; I have therefore given all my allies the strongest assurances of pursuing the same measures, and of making good the engagements entered into by the crown of Great Britain.

"The chearfulness with which the Supplies necessary for carrying on this great work were raised, making it but just that the public expence should be lessened as soon as the circumstances of affairs will permit; I have already given orders for sending back some of the regiments brought from Ireland; and will proceed to reduce my forces, both by sea and land, as soon as it can be done without prejudice to the common cause, and consistent with the interest of my kingdom.

"Gentlemen of the House of Commons;

"You know very well that the grant of the greatest part of the Civil List revenues is now determined, and that it is necessary for you to make a new provision for the support of me and my family. I am confident it is needless for me, in any particular manner, to recommend to your care the consideration of what so nearly and personally concerns me; and I am persuaded, that the experience of past times, and a due regard to the honour and dignity of the crown, will prevail upon you to give me this first proof of your zeal and affection, in a manner answerable to the necessities of my government.

"My Lords, and Gentlemen;

"I recommend it to you to give all possible dispatch to such business as shall necessarily be brought before you; the season of the year, and the circumstances of time, requiring your presence in the country, and making it improper to carry this session into any great length."

Which Speech being ended; his Majesty was pleased to retire.

The Lords' Address of Condolance, Congratulation, and Thanks.] Upon a Motion of the earl of Chesterfield, the Lords unanimously voted the following Address of Condolence, Congratulation, and Thanks; which was presented on the 28th.

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in parliament assembled, beg leave to return your Majesty our most hearty and unfeigned Thanks for your Majesty's most gracious Speech from the throne, and to assure your Majesty, that though we are affected with the utmost sorrow at the Death of our late gracious Sovereign, our hearts are at the same time filled with an inexpressible joy at your Majesty's peaceable and happy Accession to the throne of your royal ancestors.

"Your Majesty's tender concern for your people, and your most gracious and solemn declaration, 'That you will always esteem their 'love and affection as the best support of your 'crown; that it shall be your constant care to 'preserve the constitution of this kingdom in- 'violable, as it is now happily established in 'church and state; and that you will secure to 'all your subjects the full enjoyment of their 'religious and civil rights,' claims our most sincere and dutiful acknowledgments; and may justly be depended upon from your Majesty, who so early and so eminently distinguished yourself in defence of the Protestant cause, and the liberties of Europe in general.

"Nothing can be a greater encouragement to your Majesty's good subjects in the faithful discharge of their duty, than your royal approbation of that vigour and resolution, which was exerted in the last session of parliament for the defence of the rights and possessions of this nation, and for maintaining the tranquillity and balance of power in Europe; nor can

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any thing be a greater satisfaction to us, than the strong assurances your Majesty has given to all your allies of pursuing the same measures, and making good the engagements entered into by the crown of Great Britain.

"We are most firmly persuaded, that these many instances of your Majesty's great goodness to your people justly deserve, and cannot fail of meeting with all imaginable returns of their gratitude and loyalty, and we beg leave to assure your Majesty, in the strongest manner, of our inviolable fidelity, and of our fixed and unalterable resolution, upon all occasions to maintain your Majesty's undoubted right and title to the imperial crown of these realms, and the several dominions thereunto belonging; and that we will in pursuance of the many solemn assurances we have already given, use our utmost efforts to maintain your Majesty's undoubted right to every other part of your dominions, against all attempts whatsoever, and that we will chearfully embrace all opportunities to support and advance the honour and dignity of the crown."

The King's Answer.] To this Address his Majesty gave the following Answer:

"My Lords;

"I thank you heartily for this very loyal Address; such a demonstration of your duty and affection cannot but be truly acceptable to me. You may be assured that I shall, through the whole course of my reign, have no other view than the interest and happiness of my people."

The Commons being returned to their House, Mr. Speaker reported his Majesty's Speech to both Houses. Hereupon sir Paul Methuen moved, "That an humble Address be presented to his Majesty, to condole upon the Death of his late royal father; to congratulate his Majesty on his happy Accession to the Throne; and to return his Majesty the Thanks of this House for his most gracious Speech;" This motion being seconded by sir Robert Walpole, and voted *nem. con.* a Committee was appointed to draw up an Address upon the said Resolution. Sir Robert Walpole, being one of the said Committee, immediately drew up an Address; which, on the 29th, was reported, and unanimously agreed to.

The Commons resolve to grant a Supply, for the Support of the King's Household.] June 29. A motion being made, That a Supply be granted to his Majesty for the better support of his Majesty's Household, and of the honour and dignity of the crown; it was unanimously resolved to consider of that motion the next day in a grand Committee; which was done accordingly; and therein it was resolved, *nem. con.* to grant such a Supply to his Majesty.

The Commons' Address of Condolance, Congratulation, and Thanks.] June 30. The Commons presented their Address to his Majesty as follows:

"Most Gracious Sovereign:

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, from a grateful sense and remembrance of the many blessings we enjoyed under the government of our late most gracious sovereign, beg leave, in the most dutiful manner to condole with your Majesty upon the death of your late royal father; a loss to this nation which your Majesty alone could possibly repair.

"Your immediate succession banished all our grief; and the uninterrupted continuance of the blessings we had long enjoyed obliges us, with duty and gratitude, to acknowledge the just sense we have of our present and future happiness; and to beseech your Majesty to accept the sincere congratulations of your faithful Commons, upon your Majesty's happy accession to the throne of your royal ancestors.

"Your Majesty's most gracious speech from the throne requires a more than ordinary return of duty and thankfulness, for that tender and paternal care, which you have been pleased to express for our religion, laws, and liberties, and for those ample assurances your Majesty has given us, inviolably to preserve the constitution of these kingdoms, as it is now happily established in church and state; and to secure to all your subjects the full enjoyment of their religious and civil rights: And as these blessings are the most valuable and dear to a free people, and the peculiar privileges of this nation; we cannot enough admire your Majesty's goodness, and express our satisfaction, in this solemn declaration of your Majesty's resolution, to make the good of your people your chief and constant care.

"We congratulate your Majesty upon the preliminary articles being signed; and we see, with great pleasure, the beginning of your Majesty's reign attended with the happy presages of a general peace. The early assurances given by your Majesty to your allies, of pursuing the same measures as your late royal father had taken, and of making good the several engagements entered into by the crown of Great Britain; as they strengthen and cement that strict union and harmony which has hitherto subsisted among the allies of the treaty of Hanover, so they confirm to us the hopes and near prospect of a general tranquillity, upon terms honourable, safe, and advantageous to your Majesty, and all your allies.

"The regard and concern which we had, and always shall have, for the defence of the rights and possessions of this nation, for vindicating the honour of our Sovereign, and for maintaining the due balance of power in Europe, engaged us with chearfulness, during the last session of parliament, to grant the supplies necessary for the carrying on this great work. And no greater encouragement can possibly be given to us, than to see your Majesty so early beginning to lessen the public expences, and resolving to reduce your forces both by sea and land, as soon as it can be done without pre-

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judice to the common cause, and consistent with the interest and safety of this nation.

"These many and great instances of your Majesty's goodness and concern for the happiness and welfare of your people call upon us for the highest returns of duty, zeal, and affection to your Majesty's person and government: And as we are fully convinced that our own interest and preservation are inseparable from your Majesty's, we beg leave to assure your Majesty, that we will, with our lives and fortunes, maintain and support your Majesty's undoubted right and title to the imperial crown of this realm, and all other your Majesty's dominions, against all attempts whatsoever.

"And when we reflect on your Majesty's royal virtues, which promise us all the blessings that can flow from a mind truly great; when we consider the distinguished character of the Queen, your royal consort, and the additional happiness that descends to your people from her many princely qualities, and remember your numerous and hopeful issue, the lasting pledge and security of our happy establishment; that your Majesty's crown may sit with ease and glory on your head, we think ourselves indispensibly obliged to assure your Majesty, that we will provide such a revenue for the occasions of your Majesty's civil government, as may be sufficient to support the honour and dignity of the crown in its proper and full lustre."

The King's Answer.] To this Address the King returned the following Answer:

"Gentlemen,

"I return you my thanks for your dutiful and loyal Address. The resolutions of the Commons of Great Britain are, every where, so highly regarded, that I cannot but receive, with the greatest satisfaction, this unanimous declaration of your fidelity, zeal, and affection, and I will endeavour, by a steady care and concern for the interest and welfare of my people, to answer the expectation you have conceived of my government."

July 1. Mr. Farrar reported the Resolution of the Grand Committee, for granting a supply to his Majesty, for the better support of his Majesty's household, and of the honour and dignity of the crown, which was agreed to, *nem. con.*

Sir R. Walpole's Motion for settling on the King the entire Revenues of the Civil List.] July 3. The Commons, in a Committee of the whole House, considered of the Supply granted to his Majesty, and sir Robert Walpole represented, That the annual sum of 700,000*l.* granted to and settled on the late King, for the support of his Household, and of the honour and dignity of the crown, falling short every year, they had been obliged to make it up another way; and that his present Majesty's necessary expences being like to increase, by reason of the largeness of his family, and of settling a Household for his royal consort, he therefore moved, "That the entire revenues of the Civil List, which produced about 100,000*l.* per annum, above the said yearly sum of 700,000*l.* might be settled on his Majesty during his life."

Mr. Shippen's Speech on this occasion.] This motion being seconded,

Mr. Shippen stood up and spoke as follows:

Mr. Speaker,

I agree with the honourable member who spoke first, [Sir Robert Walpole] That on his Majesty's happy Accession to the Throne, there ought to be no other contention amongst us, than who should most contribute to his service, than who should express their duty and loyalty in the most respectful and the most extensive manner. But then I hope he will agree with me, that this is to be done with some regard to those we represent: that this is to be done consistent with the trust reposed in us; consistent with that frugality which this House is bound to use, whenever the crown is pleased to call upon it, to exercise its great power of giving money.

Now, notwithstanding what has been urged, I think, we shall so far depart from this rule of frugality, as we exceed the Revenue granted to his late Majesty, whether that exceeding shall amount yearly to 93,000*l.* as computed at the highest by that honourable member, or to above 130,000*l.* as I have seen it more truly computed by another. For I remember very well, that the yearly sum of 700,000*l.* though now thought too little, was not obtained for his late Majesty, without a long and solemn debate;* and it was allowed by every one that contended for it, to be an ample royal revenue. Nor was it asked inconsiderately, and on a sudden; it was asked on mature deliberation, after the Queen's Civil List branches were found deficient: it was asked after many computations had been made of every charge requisite to support the honour and dignity of the crown, and to maintain the present royal family; It was asked, after duly weighing what provision would be sufficient to answer all the ordinary and extraordinary occasions of the civil government; what would be sufficient to answer all proper augmentations of salaries, all reasonable and charitable pensions, all secret services at home and abroad, necessary to carry on a just and wise administration; It was asked by that honourable member himself and others, who were entering into great employments, who were going to taste of the royal bounty, and who therefore could not possibly be suspected to have any design of cramping his Majesty, by a too contracted and narrow revenue.

Nor does the late alteration in the royal family call for any increase of expence. For if the establishment for the queen should be enlarged, whose distinguished character and many princely virtues, taken notice of in your Ad-

* See vol. 6, p. 57.

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dress, entitle her to all degrees of grandeur, which any former queen consort ever enjoyed; I say if her majesty's establishment should be enlarged, I presume the establishment for prince Frederick will be much inferior to that settled on his present Majesty when prince of Wales. Besides our ardent wishes for his Majesty's constant residence in these kingdoms, and his royal intentions of making us a great and happy people, give us hopes, that many personal, many particular expences in the late reign, especially those for frequent journies to Hanover, will be discontinued and entirely cease.

Nor is it any objection to the reasoning of that time, when the 700,000*l.* was granted to the late king, or to the computations then made, that this sum is said to have been found by the experience of past times, to be not answerable to the necessities of the civil government.

For this experience could not be found in the queen's reign, because her civil list branches seldom amounted to 600,000*l.* commonly to about 550,000*l.* and sometimes to very little above 500,000*l.* as appears by accounts formerly laid before this House; and I will not suppose those accounts which were brought from the treasury to be otherwise than true, in regard to my honourable friend—I ask pardon, I should have said, the honourable member, for there is no friendship betwixt us. But he must give me leave to observe, That when he asserts her civil list branches amounted to above 700,000*l.* yearly, he can only mean the gross, and not the neat produce, which is a very uncandid and fallacious way of arguing.

Though her revenues were so low, yet she called upon her parliament but once in a reign of above thirteen years, to pay the debts contracted in her civil government; and it is a justice due to the memory of that excellent princess, to remind gentlemen of the unparalleled instances of her piety and generosity, which occasioned those debts. She gave the first fruits and tenths, arising now, as the honourable member, who made this motion, says, to 19,000*l.* a year, for the augmentation of the maintenance of the poor clergy: she gave 5,000*l.* a year out of the post office to the duke of Marlborough: she suffered 700*l.* a week to be likewise charged on the post office for the public service, and by that concession lost a vast sum, the additional duty then producing only 8,000*l.* a year: she gave several hundred thousand pounds for building the castle of Blenheim: she allowed prince Charles of Denmark 4000*l.* a year: she sustained great losses by the Tin contract: she supported the poor Palatines: she gave 100,000*l.* to the uses of the war. These, with many other royal bounties, which escape my present remembrance, were the reasons that brought her under a necessity of asking for 500,000*l.* But she was so sensible of the inconvenience, and so determined never to apply to her parliament again in the like manner, that she ordered a considerable reduction to be made of her civil government expences. I have seen a scheme of this reduction, as it was actually settled a little before her death, and intended to commence the Lady-day following. It would be tedious to go through all the particular articles of it, and I will only name three or four. The cofferer's office payments were reduced from 85,000*l.* to 75,000*l.* The allowances for foreign ministers, from 75,000*l.* to 30,000*l.* Pensions and bounties from upwards of 87,490*l.* to 60,000*l.* Secret services from 27,000*l.* to 20,000*l.* a sum surprizingly small, when compared with the late disbursements on that head. In short, the whole yearly expences were designed to be reduced to 459,941*l.* and that would have been done without eclipsing the glory of the crown, which, some gentlemen so roundly affirm, cannot now be maintained under almost a double appointment.

From hence it appears plainly, that this argument of the experience of past times can have no reference to the queen's reign. It must therefore be applied, though put in the plural number, to the late administration only; and I confess, if the same management was to be continued, if the same ministers were to be again employed, a million a year would not be sufficient to carry on the exorbitant expences, so often, and so justly complained of in this House. For it is notorious, it is fresh in all our memories, that besides the yearly 700,000*l.* there have been many occasional taxes, many excessive sums raised, and they have been all sunk in that bottomless gulf of secret service. First, the memorable 250,000*l.* was raised in defiance of the ancient parliamentary methods, to secure us from the apprehensions of a Swedish invasion. Then the two insurance offices were erected in as irregular a manner, by a bill brought into this House at the latter end of a session, and after the committee of supply had been closed, upon the honourable member's return into power; and those Bubbles paid near 300,000*l.* for their charters. Then a new scene of affairs opening in Sweden changed our enmity into an alliance, and there was a subsidy of 72,000*l.* implicitly granted to make good some secret bargain and engagement with that crown. At the same time near 24,000*l.* were given for burning two merchant-ships arrived from infected places; but though the goods as well as the ships were paid for by this House, that they might, without injury to the owners, be destroyed for the public safety, yet most of them were privately conveyed into counties adjacent to the port where the ships lay, and sold there. Then soon after a sum of 500,000*l.* was demanded and granted for the payment of the Civil List Debts; on which occasion his late Majesty declared in his Message, 'That he was resolv-'ed to cause a retrenchment to be made of his 'expences for the future.' But notwithstanding that resolution, in less than four years, the necessities of the government having rendered

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the promised retrenchment impracticable, there was a new demand, and a new grant of 500,000*l.* more to discharge new incumbrances. I might mention too the Spanish ships which were taken in the famous Mediterranean sea-fight, and, as we have reason to believe, sold for a considerable sum of money. Nor is it possible to forget the 125,000*l.* which we could only be told, the last session, in a general unexplained article, was secretly disposed of, for the public utility, for the conservation of the peace of Europe, and for the security of the commerce and navigation of Great Britain.

After all these and other extraordinary supplies, I am informed there yet remains a debt in the civil government of above 600,000*l.* If so, surely there must have been a most egregious neglect of duty, to say no worse; there must have been a strange spirit of extravagance somewhere, or such immense sums could never have been so soon, so insensibly, squandered away. And it is amazing that this extravagance should happen under the conduct of persons pretending to surpass all their predecessors, in the knowledge and care of the public revenue: But we are not to wonder that the world has been free in its censures, since none of these sums have been accounted for, since they have been employed in services not fit to be owned. None but those who were in the secret, and who had the disposal of them, can refute the reflections that are made without doors, not only on the ministry, but even on both Houses of Parliament,—I must say no more; But I heartily wish, that time, the great discoverer of hidden truths and concealed iniquities, may produce a list of all such, if any such there were, who have been perverted from their public duty by private pensions; who have been the hired slaves, and the corrupt instruments of a profuse and vain-glorious administration. If there have been none such, then the whole weight, then the whole guilt of the late mismanagement lies on the ministers themselves.

But it seems to be matter of universal joy to the nation, that the case is like to be altered: We hope we have arrived at a day of better œconomy: We hope such practices will be so far from being imitated, that they will be detested and abhorred; nor can any one entertain the least doubt of this, when he considers that a prince is ascending the throne, who will choose a knowing, faithful, and frugal ministry; who will not permit his domestic or foreign affairs to be negociated by bribery and corruption, for want of sufficiency and skill in politics; whose wisdom will enable him, and whose goodness will incline him, not only to inspect the management of the civil list branches, but in justice to his parliaments, and in compassion to his people, to direct and require a due and exact disposition of all the other public funds, according to their respective appropriations.

Now, in consequence of this most just notion of his Majesty's frugality, which, amongst other his innumerable virtues, endears him so much to his subjects, I hope I may, without offence, propose the addition of some words to your question, that may restrain it to 700,000*l.* And in this I as much consult the service of his Majesty, and the honour and dignity of the crown, as those who are for granting the funds without any restriction. For, in my humble opinion, the voting a greater sum than was settled on his late Majesty, is only voting an indemnity, is voting at least in favour of ministers whose conduct, as I have already hinted, if laid before you, and duly examined, would perhaps rather deserve your censure than approbation.

Besides, the surplus of these branches is appropriated to the Sinking Fund; and, that, I thought, had been a sacred depositum, reserved for the gradual discharge of the national debt: I thought it would have been looked upon as a sort of sacrilege, to have diverted the least part of it, on any pretence whatsoever, from its original uses; and it is as surprizing to me, that the honourable person should be for destroying his own darling project, and that he should be for pulling down the boasted monument of his glory; as it may be to others, that I am for supporting any scheme of his, which might have transmitted his name with advantage to posterity.

If his Majesty was rightly apprised of these circumstances he would doubtless rather be content with a clear annual revenue of 700,000*l.* than suffer his first demand of money, by any precipitate proof of our zeal, to carry the least appearance of being burthensome to his people, who have long laboured under the pressure of grievous and exorbitant taxes; for he has been graciously pleased to signify from the throne his fixed resolution, 'By all possible 'means to merit their love and affection, which 'he shall always look upon as the best support 'and security of his crown.' I will detain you, Sir, no longer, but desire you would conclude your question with these words, 'In like man-'ner as they were granted and continued to 'his late Majesty, which make up the clear 'yearly sum of 700,000*l.*'

To this Speech no reply was made, but the question being put, sir Robert Walpole's motion was agreed to without any farther opposition.*

* "It is a curious observation of Smollett, which must tend to shew with how much partiality and inaccuracy he compiled his History, that, 'to these particulars (namely, in the 'speech of Shippen) which were indeed unan-'swerable, no reply was made. Even this 'mark of decency was laid aside, as idle and 'superfluous.' The fact was, that no reply was made, not because the arguments were unanswerable, but because no one seconded the motion: a circumstance of which Smollett takes no notice. Belsham also observes with no less inaccuracy, 'The amendment was rejected 'with a great majority,' which would lead the reader to suppose, that there was a division.

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July 4. The Resolution of the Committee, in pursuance of the above motion, was reported and agreed to, and a Bill ordered to be brought in thereupon.

July 5. The Bill, 'For the better support of 'his Majesty's Household, &c.' was presented to the House, and read the first time.

The King's Message for settling a Dowry on the Queen.] July 6. The said Bill was read the second time, and committed to a grand committee; and then sir Paul Methuen delivered to the House a Message, signed by his Majesty, which was read, as follows, viz.

"George *R.*

"His Majesty considering that the provision made for the Queen his consort, in case she should survive his Majesty, is very insufficient to support her royal dignity; and that his Majesty is restrained, by the laws now in being, from increasing the same, thinks it necessary to recommend the making farther provision for the Queen to your consideration."

Hereupon it was unanimously resolved to take the said Message into consideration the next day, in a Committee of the whole House.

100,000*l. per Annum voted for that Purpose.*] July 7. The Commons, in a Grand Committee, took into consideration his Majesty's Message, and resolved, 1. "That a provision be made for the Queen, in case she shall survive his Majesty, of 100,000*l.* per annum during her life, with his Majesty's palace of Somerset-House, and Richmond Old Park. 2. That his Majesty be enabled to charge the said 100,000*l.* per annum on all, or any of the duties or revenues, settled for the better support of his Majesty's Household, and the honour and dignity of the crown, which shall subsist after his Majesty's demise."

July 8. Mr. Farrer reported the said Resolutions, which being agreed to, *nem. con.* a Bill was ordered to be brought in.

July 10. The Civil List Bill was read the third time, passed, and sent up to the Lords; then sir Robert Walpole presented to the House a Bill, 'To enable his Majesty to settle 'a Revenue for supporting the royal dignity of 'the Queen,' &c. which was read the first time.

July 11. The said Bill was read a second time, and committed.

July 14. The said Bill was read the third time, passed, and sent up to the Lords.

The King's Speech at the Close of the Session.] July 17. The King came to the House of Peers, with the usual solemnity, and the Commons attending, his Majesty gave the royal assent to an Act, 'For the better support of 'his Majesty's Household, and of the honour 'and dignity of the crown of Great Britain;' also to an Act, 'For enabling his Majesty to 'settle a revenue for supporting the royal dignity of the Queen, in case she shall survive his 'Majesty;' and to three other Bills.

After which his Majesty made the following Speech to both Houses:

"My Lords and Gentlemen;

"I cannot but express the greatest satisfaction in the convincing proofs you have given me, in this session, of your duty and affection to my person, and zeal for my government.

"Gentlemen of the House of Commons;

"I must particularly thank you for your unanimity and dispatch, in granting me the revenues necessary for the support of my family, and the occasions of my civil government; which you have done in a manner so very agreeable, and with such a due regard to the honour and dignity of the crown, that if any thing could add to my own inclinations of making the happiness of my subjects my principal care and study, this instance of your particular confidence in me would engage me more strongly to make use of the power, which you have given me of doing good, in promoting the honour and interest of my people.

"The ample provision you have made for the Queen is another instance of your regard for me, which I am confident she will very well deserve, and I shall always acknowledge.

"My Lords and Gentlemen;

"It is a great happiness to me to see the nation in so prosperous and flourishing a condition, at the highest pitch of glory and reputation, of great weight in holding the balance of Europe, defending themselves in their just privileges and possessions, and vindicating the honour of the crown of Great Britain.

"At home I find, among my protestant subjects, such mutual charity and forbearance diffused throughout the kingdom, that the national church repines not at the indulgence given to scrupulous consciences; and those, that receive the benefits of the toleration, envy not the established church the rights and privileges which they by law enjoy.

"From these happy causes and favourable conjunctures has flowed that general tranquillity, that rise of public credit, and that improvement of trade and commerce, which have greatly increased our wealth and power, and given us that respect and influence abroad, which has so much advanced the glory and happiness of this nation.

"But all these blessings, great and valuable as they are, had not been secured and transmitted to us, without your having carefully avoided all occasions of strife and division; without a strict regard to public faith, a constant care and attention towards discharging the national debt, and without that singular steadiness and resolution, which this parliament has shewed upon all proper and necessary occasions.

"I can therefore make no doubt, but that your behaviour, and the temper you have shewn, will sufficiently recommend this parliament to the esteem and good opinion of their country; who, from the same conduct, and by pursuing

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But in fact, there was no amendment duly moved and seconded, and the original motion of course, passed unanimously." Coxe's Walpole.

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the same measures, may promise themselves all future prosperity.

"The expiration of this parliament now drawing near, I will give orders for issuing the writs for calling and electing a new parliament, as soon as it can conveniently be done; and I am persuaded that the general contest and emulation in expressions of duty and affection to me, which, to my great satisfaction, I have universally met with, will be farther demonstrated by the choice of a parliament, zealously affected to our present happy establishment in the Protestant succession; and in return, nothing shall be wanting on my part, that can contribute towards improving a good correspondence and harmony between me and my people, and that can tend to perfect and perpetuate the happiness of Great Britain."

The Parliament dissolved.] Then the Lord Chancellor prorogued the parliament to the 29th of August; but on the 7th of the same month a Proclamation was issued for dissolving this parliament, and calling of another.*

FIRST SESSION OF THE SEVENTH PARLIAMENT OF GREAT BRITAIN.

Meeting of the New Parliament.] January 23, 1728. This day, the New Parliament met at Westminster. The King being seated on his royal throne, adorned with his crown and regal ornaments, and attended with his officers of state; the Lords being also in their robes; commanded the Gentleman Usher of the Black Rod to let the Commons know, It is his Majesty's pleasure, they attend him immediately, in this House.

Who being come; the Lord Chancellor said,

"My Lords, and Gentlemen,

"I am commanded by his Majesty to let you know, he will defer declaring the causes of his calling this Parliament, till the House of Commons have first of all a Speaker; and that, therefore, it is his Majesty's pleasure, that you, Gentlemen of the House of Commons, repair to the place where you are to sit, and there proceed to the Choice of a proper person to be your Speaker; and that you present such person whom you shall so choose here, on Saturday next, at one o'clock, for his Majesty's royal approbation."

Then his Majesty was pleased to retire, and the Commons withdrew.

List of the House of Commons.] The following is a List of the Members of the House of Commons:

A List of the House of Commons in the Seventh Parliament of Great Britain, which met at Westminster, January 23, 1728.

Bedfordshire.

Sir Rowland Alston,
Patee Byng,—Succeeded his father as viscount Torrington, a new writ ordered, Jan. 24, 1733.
Charles Leigh.

Bedford.

John Orlebar,
John Thurloe Brace,—Not duly elected.
James Metcalfe,—Died; a new writ ordered, Jan. 21, 1731.
Sir J. Van. Sambroke.

Berkshire.

Sir John Stonhouse,—Died; a new writ ordered, Jan. 17, 1734.
Robert Packer,—Died; a new writ ordered, April 26, 1731.
William Archer, Winch. H. Packer.

Windsor.

Lord Vere Beauclerk,—Made commissioner of the navy; and a new writ being ordered, May 10, 1732, he was re-elected.
George visc. Malpas,—Succeeded his father as earl of Cholmondeley; a new writ ordered, May 11, 1730.
Lord Sydney Beauclerk.

Reading.

Richard Thompson, Richard Pottenger.

Wallingford.

William Hucks, George Lewen.

Abingdon.

Robert Hucks.

Bucks.

Sir Wm. Stanhope,
Richard Hampden,—Died; and a new writ was ordered, Jan. 21, 1729.

* "His Majesty now proceeded to settle his Ministry, his Council, and his Household; and that, in such a manner, as proved he was resolved to give the preference to the friends of his family, and of public liberty. The seals of the secretaries of state were continued with the duke of Newcastle and the lord Townshend; Mr. Pelham, the duke's brother, was appointed secretary at war. The duke of Rutland was appointed Chancellor of the dutchy of Lancaster. Sir Robert Walpole was appointed Chancellor of the Exchequer, and first Lord of the Treasury; and, by the union of these two offices in his person, was considered as prime minister of state; the other lords of treasury, were sir Charles Turner, Mr. Doddington, sir George Oxenden, and Mr. Clayton. Lord Torrington was placed at the head of the Admiralty, and the other members of that board were, Mr. Cockburn, sir John Norris, and sir Charles Wager, sir Thomas Littleton, the lord Malpas, and Mr. Molyneux. The earl of Chesterfield was appointed to go embassador to Holland, and the lord Carteret was made lord lieutenant of Ireland."

"Meanwhile the general election for members of parliament was going on in the nation, with a spirit, which sufficiently testified the confidence which the people of England reposed in the administration." Tindal.

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Sir Thomas Lee.

Buckingham.

Thomas Lewis,—Made his election for Salisbury.

John Fane,—Created lord Catherlough in Ireland; now earl of Westmoreland.

Geo. Chamberlayne.

Chipping Wicomb.

William Lee,——Made a judge of the King's-bench (now lord chief justice of England); and a new writ ordered, Jan. 21, 1731.

Harry Waller, Sir Charles Vernon.

Aylesbury.

Sir William Stanhope,—Made his election for the county.

Philip Lloyd,—Made one of the equerries to his Majesty; a new writ ordered, Feb. 6, 1730. He was afterwards elected for Christ-Church.

Edward Rudge, Thomas Ingoldesby.

Agmondesham.

Bt. Leveson Gower,—Made his election for Newcastle-under-Line.

M. Garrard Drake,—Died; a new writ ordered, May 10, 1728.

Thomas Lutwych, MarmadukeAllington.

Wendover.

James visc. Limerick,—Trustee for the colony of Georgia.

Richard Hampden,—Made his election for the county.

John Hamilton.

Great-Marlow.

John Clavering,—Made a groom of the bedchamber to his Majesty; a new writ ordered, May 7, 1731.

Edmund Waller,

George Robinson,—Banker in Lombard-street. Expelled the House for indirect and fraudulent practices in the affairs of the Charitable Corporation, and for having never attended the service of the House, although required so to do; and a new writ was ordered, April 3, 1732.

Sir Thomas Hoby.

CAMBRIDGESHIRE.

Henry Bromley, Samuel Shepherd.

Univ. of Cambridge.

Edward Finch, Thomas Townshend.

Town of Cambridge.

Sir J. Hynd Cotton, Tho. Sclater Bacon.

CHESHIRE.

Charles Cholmondeley,

Sir R. Salusbury Cotton.

Chester.

Sir Rob. Grosvenor, Sir Charles Bunbury.

CORNWALL.

Sir John St. Aubin, Sir William Carew.

Launceston.

John King, Arthur Tremayne.

Leskard.

John Cope,—Lieutenant-colonel of the second troop of Grenadier guards, made colonel of a regiment.

Thomas Clutterbuck,—Made a lord of the Admiralty; and a new writ being ordered, June 1, 1732, he was re-elected.

Lestwithiel.

Darrell Trelawney,—Died; a new writ ordered, Feb. 17, 1728.

Sir Orlando Bridgman,—Made his election for Blechingley.

Sir Edward Knatchbull;—Died; a new writ ordered, April 20, 1730.

Anthony Cracherode,—Solicitor to the Treasury.

Edward Walpole,—Second son of sir Robert Walpole.

Truro.

Hugh Boscawen, Sydney Meadows.

Bodmin.

John Laroche,

Robert Booth,—Died; a new writ ordered, Jan. 31, 1733.

Sir John Heathcote.

Helston.

John Evelyn,

John Harris,—Made paymaster of the Board of Works; and a new writ being ordered, May 17, 1738, he was re-elected.

Saltash.

John visc. Glenorchy,—Envoy to the court of Denmark, and master of the horse to the three eldest Princesses.

Edward Hughes,—Died; a new writ ordered, Jan. 29, 1734.

Thomas Corbet,—Joint secretary of the Admiralty with Josiah Burchet, esq. and secretary to Greenwich hospital.

Camelford.

Thomas Hales,—Clerk of the Green-cloth.

John Pitt,—Colonel in the first regiment of Guards, aid-de-camp to his Majesty, and vice admiral of the Summer Islands.

West Looe.

John Willes,—Made chief justice of Chester; and a new writ being ordered, Feb. 17, 1729, he was re-elected, and made attorney general to his Majesty; and a new writ being ordered, Jan. 17, 1734, he was re-elected.

Edward Trelawney,—Made a commissioner of the Customs; a new writ ordered, Jan. 16, 1733.

Thomas Walker,—Surveyor-general of his Majesty's crown revenues.

Grampound.

Philip Hawkins,

Humphry Morice,—Bank director; died, a new writ ordered, Jan. 19, 1732.

Isaac Leheup.

East Looe.

Sir John Trelawney, Charles Longueville.

Penryn.

Edward Vernon, Sir Cecil Bishop.

Tregony.

John Goddard,—A commissioner for settling the merchants losses by the Spaniards.

Thomas Smith,—Vice chamberlain to the Queen's household; died, a new writ ordered, Jan. 25, 1729.

Mat. Ducie Morton.

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Bossiney.

Robert Corker,—Died; a new writ ordered, March 12, 1731.

John Hedges,—Treasurer to the Prince of Wales; and envoy to the court of Turin.

Jas. Cholmondeley,—Major of the Horse Guards, and deputy-governor of Chester castle.

St. Ives.

Sir Robert Rich, Henry Knollys.

Fowey.

Jonathan Rashleigh, Rich.visc.Fitzwilliams.

St. Germains.

Sir G. Heathcote,—Senior alderman of London; and director of the Bank; died, a new writ ordered, Feb. 20, 1733.

Sidney Godolphin,—Died; a new writ ordered, Jan. 16, 1733.

Dudley Ryder,—Made solicitor-general to his Majesty; and a new writ being ordered, Jan. 17, 1734, he was re-elected.

Richard Eliot.

St. Michael.

Henry Kelsal,

Thomas Farrington,—Made auditor of his Majesty's land revenues within the principality of Wales; and a new writ being ordered, June 1, 1733, he was re-elected.

Newport.

Thomas Herbert, Sir William Morice.

St. Maws.

Henry Vane,

John Knight,—Made his election for Sudbury.

William East.

Kellington.

Sir John Coryton, Thomas Copleston.

CUMBERLAND.

Sir James Lowther,—Succeeded his brother in the dignity of baronet.

Gilfred Lawson.

Carlisle.

Charles Howard,—Lieutenant-governor of this city and castle, and colonel in the second regiment of Foot Guards.

John Hylton.

Cockermouth.

William Finch, Sir Wilfred Lawson.

DERBYSHIRE.

Godfrey Clarke, Sir Nathaniel Curzon.

Derby.

Lord Jas. Cavendish,

William Stanhope,—Created lord Harrington: a new writ ordered, Jan. 21, 1730.

Charles Stanhope.

DEVONSHIRE.

Sir Will. Courtenay,

John Rolle,—Died; a new writ ordered, May 15, 1730.

Henry Rolle.

Exeter.

Samuel Molyneux,—A lord of the Admiralty; died, a new writ ordered, May 10, 1728.

Francis Drew,

John Belfield,—Serjeant at law.

Totness.

Sir Charles Wilies,

Exton Sayer,—Doctor of laws, advocate of the Admiralty, and chancellor of Durham, made surveyor-general of his Majesty's lands; and a new writ being ordered, May 8, 1730, he was re-elected and died; a new writ ordered, Jan. 13, 1732.

Sir Henry Gough.

Plymouth.

Arthur Stert,

George Treby,—Made his election for Dartmouth.

Robert Byng,—Made a commissioner of the navy, and a new writ being ordered, Jan. 13, 1732, he was re-elected.

Oakhampton.

W. Northmore, Thomas Pitt.

Barnstable.

Richard Coffin, Theophilus Fortescue.

Plympton.

George Treby,—Made his election for Dartmouth.

Richard Edgecumbe, John Fuller.

Honiton.

Sir W. Yonge,—Made a lord of the Admiralty: and a new writ being ordered, May 27, 1728, he was re-elected, and afterwards made a lord of the Treasury: and a new writ being ordered, May 8, 1730, he was re-elected.

James Sheppard,—Died: and afterwards voted not duly elected, March 15, 1731.

Sir William Pole.

Tavistock.

Sir Francis H. Drake,

Sir John Cope,—Made his election for the county of Southampton.

Sir Humphry Monnoux.

Ashburton.

Richard Reynel, Roger Tuckfield.

Dartmouth.

George Treby,—For Plympton in the last Parliament, made master of the household; and a new writ being ordered, May 8, 1730, he was re-elected.

Walter Cary,—Made one of the chief clerks of the council; and a new writ being ordered, May 14, 1729, he was re-elected.

Bere-alston.

Sir F. Hen. Drake,—Made his election for Tavistock.

Sir John Hobart,—Made his election for Norfolk.

Sir Archer Croft,—Made a commissioner of trade and plantations, and a new writ being ordered, May 15, 1730, he was re-elected.

Henry lord Walden,—Succeeded his father as earl of Suffolk. A new writ ordered, Jan. 18, 1734.

William Morden,—Changed his name to Harbord.

Tiverton.

Arthur Arscot,

Sir Wm. Yonge,—Made his election for Honiton.

James Nelthorpe.

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DORSETSHIRE.
Edm. Mort. Pleydell, George Chaffin.
Poole.
George Trenchard,
Dennis Bond,—Letter-carrier to his Majesty, expelled the House for a notorious breach of trust reposed in him, as a commissioner and trustee for the sale of forfeited estates for the use of the public. A new writ ordered, April 3, 1732.
Thomas Wyndham.
Dorchester.
John Brown,
William Chapple,—Made justice of the counties of Merioneth, Carnarvon, and Anglesea, in the principality of Wales; and a new writ being ordered, March 4, 1729, he was re-elected.
Lyme-Regis.
John Burridge, jun.—Not duly elected.
Henry Drax,
Henry Holt Henley,—Made clerk of the Pipe; and a new writ being ordered, Jan. 21, 1729, he was re-elected.
Weymouth, and Melcombe-Regis.
Sir James Thornhill, Thomas Pearse,
Edward Tucker,
William Betts,—Knox Ward, esq. petitioner against Mr. Betts, renewed Sess. 2 and 3, and the election, as to Mr. Betts, was declared void, and a new writ ordered, May 7, 1730.
George Doddington.
Bridport.
William Bowles,
James Pelham,—Made his election for Newark; and upon Solomon Ashley, esq. withdrawing his petition, a new writ ordered, Feb. 12, 1730.
John Jewkes.
Shaftesbury.
Stephen Fox, Sir Edw. Desbouverie.
Wareham.
Sir Edward Ernle,—Died, a new writ ordered, Feb. 17, 1729.
Joseph Gascoigne,—Died; a new writ ordered, Feb. 6, 1729.
Nathaniel Gould, Thomas Tower.
Corfe-Castle.
John Bond, John Banks.

DURHAM *County.*
George Bowes, John Hedworth.
Durham.
Charles Talbot,—Created lord Talbot, and lord chancellor; a new writ ordered, June 17, 1734.
Robert Shaftoe,—Died, a new writ ordered, Jan. 15, 1730.
Henry Lambton, John Shaftoe.

ESSEX.
Rich. visc. Castlemain, Sir Robert Abdy.
Colchester.
Stamp Brooksbank,—Bank director.
Samuel Tuffnell,—A commissioner for settling commerce.
Malden.
Henry Parsons, Thomas Bramston.
Harwich.
John visc. Percival, Sir Philip Parker.

GLOUCESTERSHIRE.
Sir John Dutton, Henry Berkley.
Gloucester.
M. D. Morton,—A double return, the two last duly elected; Mr. Morton and Mr. Chester waving their return, and Mr. Morton was re-elected for Tregony.
Thomas Chester,
Chas. Selwyn,—Equerry to the Queen.
Benjamin Bathurst.
Cirencester.
Thomas Master, Peter Bathurst.
Tewksbury.
Thomas visc. Gage, George Read.

HEREFORDSHIRE,
Edward Harley, Velters Cornwall.
Hereford.
Henry m. of Carnarvon, Thomas Geers.
Leominster.
Sir George Caswall, William v. Bateman.
Weobly.
Udeval Price,
John Birch,—Made cursitor-baron of the Exchequer; and a new writ being ordered, Jan. 14, 1730, he was re-elected, and expelled for a notorious breach of trust reposed in him, as a commissioner and trustee for the sale of the forfeited estates, and a new writ ordered, March 31, 1732.
James Cornewall.

HERTFORDSHIRE.
Sir T. Saund. Sebright, Charles Cæsar.
St. Albans.
William visc. Grimston,
Caleb Lomax,—Died: a new writ ordered, March 16, 1730.
Thomas Gape,—Died: a new writ ordered, Jan. 16, 1733.
John Merril.
Hertford.
Sir Thomas Clerke, George Harrison.

HUNTINGDONSHIRE.
John Bigg,
Will. marq. of Hartington,—Succeeded his father as duke of Devonshire; a new writ ordered, Jan. 14, 1730.
Robert Pigott.
Huntingdon.
Roger Handaside, Edward Wortley.

KENT.
Sir Roger Meredith,
Sir Robert Furnese,—Died, a new writ ordered, March 19, 1733.
Sir Edw Dering.
Canterbury.
Sir Will. Hardres, Sir Thomas Hales.
Rochester.
David Polhill,—Made keeper of the records in the Tower; and a new writ being ordered, April 27, 1731, he was re-elected.

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Sir John Jennings,—House-keeper to Greenwich hospital.

Maidstone.

Thomas Hope, John Finch.

Queenborough.

Sprig Manesty,—Commissioner of the Victualling-office; died, a new writ ordered, Jan. 21, 1729.

John Crowley,—Died; a new writ ordered, Feb. 15, 1728.

LANCASHIRE.

Sir Edward Stanley, Richard Shuttleworth.

Preston.

Sir Henry Hoghton,

Daniel Pulteney,—Died, a new writ ordered, Jan. 13, 1732.

Nicholas Fazakerley.

Lancaster.

Sir Thomas Lowther, Christopher Tower.

Newton.

Legh Master, William Shippen.

Wigan.

Sir Roger Bradshaigh, Peter Bold.

Clitheroe.

John visc. Galway, Thomas Lister.

Liverpool.

Thomas Brereton,—Made a commissioner of the Victualling-office; a new writ ordered, May 14, 1729.

Thomas Bootle, Sir Thomas Aston.

LEICESTERSHIRE.

Lord William Manners,—Lord of the bedchamber to his Majesty.

Sir Clobery Noel,—Died; a new writ ordered, Jan. 17, 1734.

Ambrose Philips.

Leicester.

Sir George Beaumont,

George Wrighte,——Grandson of the lord-keeper.

LINCOLNSHIRE.

Sir T. L. Saunderson, Robert Vyner.

Lincoln.

Sir John Monson,—Created lord Monson; a new writ ordered, May 28, 1728.

Charles Hall, Sir John Tyrwhit.

Boston.

Henry Pacey,—Died, a new writ ordered, Jan. 13, 1730.

Sir Richard Ellys. Henry ld. Coleraine.

Great Grimsby.

George Monson, John Page.

Stamford.

William Noel, Robert Shirley.

Grantham.

John visc. Tyrconnel, Sir M. Newton.

MIDDLESEX.

James Bertie,

Sir Francis Child,—East India director, and alderman of London.

Westminster.

Lord Charles Cavendish,—A lord of the bedchamber to the Prince.

William Clayton,—A lord of the Treasury, created lord Sundon in Ireland in 1735.

London.

Sir John Eyles,—A commissioner of the forfeited estates, and sub-governor of the South Sea Company.

Humphry Parsons,

John Barnard, Micajah Perry.

MONMOUTHSHIRE.

Sir Wm. Morgan,—Died; a new writ ordered, April 28, 1731.

John Hanbury,

L. Chas. Noel Somerset,—Brother of the duke of Beaufort, afterwards duke of Beaufort.

Monmouth.

Edward Kemeys.

NORFOLK.

Sir J. Hobart,—Created lord Hobart; a new writ ordered, May 28, 1728, and since created earl of Buckinghamshire.

Sir Thomas Coke,—Created lord Lovel, a new writ ordered, May 28, 1728, and since created earl of Leicester.

Sir Edmund Bacon, Harbord Harbord.

Norwich.

Waller Bacon, Robert Britiffe.

Lynn-Regis.

Sir Charles Turner,—A teller of the Exchequer.

Sir Robert Walpole,—One of the governors of the Charter-house.

Great Yarmouth.

William Townshend,—Aid-de-camp to his Majesty, groom of the bed-chamber to the Prince of Wales, and usher of the Exchequer.

Horatio Walpole,—Made cofferer of his Majesty's household; and a new writ being ordered, May 5, 1730, he was re-elected.

Thetford.

Sir Edmund Bacon,

Robert Jacombe,—Inspector-general of Accompts of the out-ports; died, a new writ ordered, Jan. 16, 1733.

Charles Fitzroy,—Cornet of horse, and master of the Tennis-court.

Castle-rising.

Algernon e. of Montrath.

Charles Churchill.

NORTHAMPTONSHIRE.

Sir Justinian Isham,—Died; a new writ ordered, May 15, 1730.

Thomas Cartwright, Sir Justinian Isham.

City of Peterborough.

John earl Fitzwilliam,—Died, a new writ ordered, Jan. 21, 1729.

Sir Edward Obrien,—Not duly elected.

Sir C. Gounter Nicol,—Died; a new writ ordered, Jan. 17, 1734.

Sidney Wortley,—Died; a new writ ordered, May 14, 1728.

Armsted Parker, Joseph Banks.

Town of Huntingdon.

George Compton,

Edward Montagu,—Brother to the earl of Halifax, and colonel of a regiment of foot, made governor, of the town of Kingston-upon-

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Hull; and a new writ being ordered, Jan. 18, 1733, he was re-elected.

Brackley.

Sir Paul Methuen,

William Egerton,—Colonel of a regiment of foot; died, a new writ ordered, Jan. 16, 1733.

George Lee.

Higham Ferrers.

John Finch.

NORTHUMBERLAND.

Ralph Jenison, Sir Will. Middleton.

Newcastle upon Tyne.

Sir William Blacket,—Voted not duly elected.

Nicholas Fenwick, William Carr.

Morpeth.

Henry visc. Morpeth, Sir Tho. Robinson.

Berwick upon Tweed.

Joseph Sabine,—Lieutenant-general of his Majesty's forces, governor of Berwick, and of Holy Island, and colonel of the royal regiment of Welch Fuzileers.

George Liddell.

NOTTINGHAMSHIRE.

Scroop visc. Howe,—Made governor of Barbadoes; a new writ ordered, May 15, 1732.

Sir Robert Sutton,—Sub-governor of the royal African company, expelled on account of the Charitable Corporation; a new writ ordered, May 15, 1732.

William Levinz, Thomas Bennet.

Nottingham.

Borlace Warren,

John Stanhope,—Secretary to the embassy at the Hague, and brother to the earl of Chesterfield.

East Retford.

Thomas White,—Died, a new writ ordered, Jan. 16, 1733.

Sir Robert Clifton, John White.

Newark upon Trent.

James Pelham, Richard Sutton.

OXON.

Sir William Stapleton, Henry Perrot.

University of Oxford.

George Clark, Henry visc. Cornbury.

Oxford.

Francis Knollys, Thomas Rowney.

Woodstock.

W. marq. of Blandford,—Died; a new writ ordered, Jan. 13, 1732.

Samuel Trotman, John Spencer.

Banbury.

Francis North,—Succeeded his father as lord Guilford, a new writ ordered, Jan. 13, 1730.

Toby Chauncy,—Died; a new writ ordered, April 2, 1733.

William Knollys, called visc. Wallingford,—Son of the earl of Banbury, whose claim to that title was disallowed by the House of Peers. See the State Trials, for the proceedings on that claim.

RUTLANDSHIRE.

Daniel lord Finch,—Succeeded his father as earl of Winchelsea and Nottingham; a new writ ordered, Jan. 28, 1730.

John Noel,—Eldest son of the former John; died, a new writ ordered, Feb. 15, 1728.

William Burton,

Thomas Noel,—Second son of the former John.

SALOP.

John Walcot, William Laconchild.

Shrewsbury.

Richard Lister, Sir John Astley.

Bridgnorth.

Sir John Charlton, John Weaver.

Ludlow.

Hen. Arth. Herbert, Richard Herbert.

Great Wenlock.

Samuel Edwards,

John Sambroke,—One of the gentlemen of his Majesty's privy-chamber.

Bishop's Castle.

John Plumptre,—Treasurer and paymaster of his Majesty's Ordnance.

Robert Moore.

SOMERSETSHIRE.

Sir Wm. Wyndham, T. S. Horner.

Bristol.

Abraham Elton,

John Scroope,—Joint secretary of the Treasury.

Bath.

Robert Gay,—Treasurer to Christ's hospital, London.

George Wade,—Made governor of the town of Berwick upon Tweed; and a new writ being ordered, Jan. 22, 1733, he was re-elected.

Wells.

Edward Prid. Gwyn,—Not duly elected.

Thomas Edwards, jun. William Peirs.

Taunton.

George Speke,

Francis Fane,—One of his Majesty's counsel at law, and standing counsel to the board of trade and plantations.

Bridgwater.

G. B. Doddington,

Sir Halswell Tynte,—Died; a new writ ordered, Jan. 21, 1731.

Thomas Palmer.

Minehead.

Francis Whitworth,—Made surveyor of his Majesty's woods north and south of the Trent, and a new writ being ordered, April 6, 1732, he was re-elected.

Alexander Luttrell.

Ilchester.

Charles Lockyer,—Chief accomptant to the South-Sea Company.

Thomas Crispe.

Milburn Port.

Thomas Medlycott,—Made a commissioner of the revenue in Ireland, and a new writ being ordered, Feb. 21, 1727, he was re-elected.

Michael Harvey.

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SOUTHAMPTON.

Lord Harry Powlett,—Made a lord of the Admiralty, and a new writ being ordered, June 8, 1733, he was re-elected.

Sir John Cope.

Winchester.

Lord William Powlett,—Died; a new writ ordered, Jan. 14, 1730.

George Bridges. Norton Powlett, jun.

Southampton.

Robert Eyre,—Made a commissioner of the Excise; a new writ ordered, May 14, 1729.

Anthony Henley, Sir William Heathcote.

Portsmouth.

Sir John Norris, Sir Charles Wager.

Yarmouth.

Maurice Morgan,—Colonel in the third regiment of guards, made lieutenant-governor of the Isle of Wight; and a new writ being ordered, Jan. 25, 1731, he was re-elected, and died; a new writ ordered, May 9, 1733.

Paul Burrard, Maurice Bockland.

Petersfield.

Norton Powlett,

Joseph Taylor,—Chief clerk of the hospital of Bridewell, London.

Newport.

William Fortescue,—Secretary to sir Robert Walpole, as chancellor of the Exchequer, and attorney-general to the Prince of Wales, made one of his Majesty's counsel at law; and a new writ being ordered, May 14, 1730, he was re-elected.

George Huxley,—Made commissary-general of the musters; and a new writ being ordered, May 14, 1729, he was re-elected.

Stockbridge.

Martin Bladen, John Chetwynd.

Newtown.

James Worsley, and Thomas Holmes,—Both not duly elected.

Charles Arm. Powlett,—Second son of lord William Powlett.

Sir John Barrington.

Christ-Church.

Charles Wither,—Surveyor-general of all his Majesty's woods; died, a new writ ordered, Jan. 13, 1732.

Joseph Hinxman,—His Majesty's woodward and keeper of underwood in New Forest.

Philip Lloyd,—Before in this Parliament for Aylesbury.

Lymington.

Lord Nassau Powlett,

Anthony Morgan,—Died; a new writ ordered, May 7, 1729.

William Powlett.

Whitechurch.

John Selwyn,—Groom of the bedchamber to his Majesty.

John Conduit.

Andover.

James Brudenel,—Made a commissioner of trade and plantations; and a new writ being ordered, May 15, 1730, he was re-elected and made one of the grooms of his Majesty's bedchamber; and a new writ being ordered, June 13, 1733, he was re-elected.

Charles Collyear,—Succeeded his father as earl of Portmore, his elder brother dying before his father; a new writ ordered, Jan. 13, 1730.

William Guidott.

STAFFORDSHIRE.

Sir Walt. Wag. Bagot, Will. Levison Gower.

Litchfield.

Walter Chetwynd,—Made governor of Barbadoes; a new writ ordered, May 1, 1731.

Richard Plummer, Geo. Venab. Vernon.

Stafford.

J. Gas. Nightingale,—Son-in-law to earl Ferrers.

Walter visc. Chetwynd.

Newcastle under Line.

Bapt. Levison Gower. John Ward.

Tamworth.

William e. of Inchiquin,

Thomas Willoughby,——Voted duly elected against Thomas Abney, esq. petitioner.

SUFFOLK.

Sir William Barker,—Died; a new writ ordered, Jan. 13, 1732.

Sir Jermyn Davers, Sir Robert Kemp.

Ipswich.

Sir William Thompson,—Made a baron of the Exchequer; a new writ ordered, Jan. 16, 1730.

Francis Negus,—Died; a new writ ordered, Jan. 11, 1733.

Philip Broke.

Dunwich.

Sir George Downing,

Thomas Wyndham,—Auditor of the south part of the duchy of Lancaster.

Orford.

Dudley North,—Died; a new writ ordered, Feb. 16, 1730.

Price Devereux,—Made his election for the county of Montgomery.

Robert Kemp, William Acton.

Aldborough.

Will. Wyndham,——Lieutenant-governor of Chelsea hospital; died, a new writ ordered, April 28, 1730.

Samuel Lowe,—Died; a new writ ordered, Jan. 13, 1732.

George Purvis,—Captain in the navy.

Sir John Williams.

Sudbury.

Carteret Leathes,

John Knight,—Died; a new writ ordered, Jan. 17, 1734.

Richard Jackson,—South Sea director.

Eye.

Stephen Cornwallis, John Cornwallis.

St. Edmundsbury.

Thomas Norton,—Made lieutenant-governor of Chelsea hospital; and a new writ being ordered, May 7, 1730, he was re-elected.

John lord Harvey,—Made vice-chamberlain of his Majesty's household, and a new writ being ordered, May 7, 1730, he was re-elected, and

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called up to the House of Peers; a new writ ordered, June 13, 1733.
Thomas Hervey.

SURRY.
Thomas Scawen,
Arthur Onslow,—Speaker of this and the three succeeding Parliaments, made treasurer of the navy at the expiration of this Parliament.

Southwark.
Edmund Halsey,—Died; a new writ ordered, Jan. 13, 1730.
Sir Joseph Eyles, Thomas Inwen.

Blechingly.
Sir Orlan. Bridgman,—A commissioner of trade and plantations.
William Clayton.

Ryegate.
Sir Joseph Jekyll, James Cocks.

Guilford.
Arthur Onslow,—Made his election for the county.
Henry Vincent,
Richard Onslow,—Colonel in the first regiment of foot guards, and adjutant-general.

Gatton.
William Newland, Paul Docminique.

Haslemere.
James Oglethorpe,
Peter Burrel,—South Sea director.

SUSSEX.
Sir Spencer Compton,—Created lord Wilmington; a new writ ordered, Feb. 15, 1728.
Henry Pelham,—Made paymaster-general of the land forces; and a new writ being ordered, May 11, 1730, he was re-elected.
James Butler.

Chichester.
Charles Lumley,—One of the grooms of the bedchamber to his Majesty; died, a new writ ordered, Jan. 21, 1729.
Lord William Beauclerk,—Died, a new writ ordered, March 6, 1732.
Sir Tho. Prendergast, James Lumley.

Horsham.
Charles Eversfield, Henry Ingram.

Midhurst.
Alan visc. Middleton,—Died; a new writ ordered, Jan. 21, 1729.
Bulst. Peach. Knight, Sir Richard Mill.

Lewes.
Thomas Pelham,
Thomas Pelham,—Of Stanmere.

New-Shoreham.
Sir Nath. Gould,—A bank director; died, a new writ ordered, Jan. 21, 1729.
Francis Chamberlayne,—Died; a new writ ordered, Jan. 21, 1729.
John Gould, Samuel Ongley.

Bramber.
Sir Richard Gough,—Died; a new writ ordered, Feb. 23, 1728.
Joseph Danvers,
John Gumley,—Not duly elected.
James Hoste, jun.

Steyning.
William visc. Vane, Thomas Bladen.

East-Grinstead.
Henry visc. Palmerston,—Chief remembrancer of the court of Exchequer in Ireland.
Richard visc. Shannon.

Arundel.
Thomas visc. Gage,—Not duly elected.
Sir John Shelley, John Lumley.

WARWICKSHIRE.
William Peytoe,—Died; a new writ ordered, Jan. 22, 1734.
Edward Digby. Sir Charles Mordaunt.

Coventry.
Sir Adolph. Oughton, John Neale.

Warwick.
Sir Will. Keyte, William Bromley, jun.

WESTMORELAND.
Anthony Lowther, Daniel Wilson.

Appleby.
John Ramsden,
Sackville Tufton,—Succeeded as earl of Thanet; a new writ ordered, Jan. 13, 1730.
Walter Plumer.

WILTSHIRE.
Sir James Long,—Died, a new writ ordered, March 27, 1729.
John Ivory Talbot, John Howe.

New Sarum.
Anthony Duncombe, Thomas Louis.

Wilton.
Robert Herbert,—Commissioner of the revenue in Ireland.
Thomas Martin.

Downton.
John Verney,—Made chief justice of Chester; and a new writ being ordered, Jan. 17, 1734, he was re-elected.
Gyles Eyre,—Serjeant at law, and recorder of Bath.

Hindon.
George Heathcote,
Townshend Andrews,—Deputy paymaster of the forces.

Heytesbury.
Edward Ashe,
Horatio Townshend,—Gentleman of the privy-chamber, and bank director.

Westbury.
John Hosk. Gifford, Francis Annesley.

Calne.
William Wardour, William Ducket

Devizes.
Francis Eyles, Benj. Haskin Styles.

Chippenham.
Gabriel Roberts,—South Sea director.
Rogers Holland.

Malmesbury.
Giles Earle,—Made a commissioner of the revenue in Ireland; and a new writ being ordered, May 27, 1728, he was re-elected.
Will. Rawlinson Earle,—Made clerk of the deliveries in the Ordnance; and a new writ being ordered, May 11, 1732, he was re-elected.

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Cricklade.

Christopher Tilson,—One of the clerks of the Treasury.

Sir Thomas Read.

Bedwin.

George visc. Lewisham,—Not duly elected.

Sir William Willys,—Died, a new writ ordered, April 21, 1732.

William Sloper, Francis Seymour.

Ludgershall.

Charles Boone,—Late governor of Bombay.

Borlace Richm. Webb.

Old Sarum.

Tho. earl of Londonderry,—Colonel of a regiment of foot, made governor of the Leeward Islands; a new writ ordered, May 14, 1728.

Thomas Pitt,—Made his election for Oakhampton.

Thomas Harrison,—Colonel of a regiment of foot.

Matthew Chitty St. Quintin.

Wotton Basset.

John St. John, John Crosse.

Marlborough.

Thomas Gibson, Edward Lisle.

WORCESTERSHIRE.

Sir H. P. Packington, Edmund Lechmere.

Worcester.

Sir Richard Lane, Samuel Sandys.

Droitwich.

Richard Foley,—Died, a new writ ordered, April 5, 1732.

Thomas Winnington,—Made a lord of the Admiralty; and a new writ being ordered, May 14, 1730, he was re-elected.

Edward Foley.

Evesham.

John Rudge, Sir John Rushout.

Bewdley,

William Crew Offley.

YORKSHIRE.

Cholmond. Turner,

Sir Thomas Wentworth,—Created lord Malton; a new writ ordered, May 28, 1728.

Sir George Saville.

York.

Sir William Milner, Edward Thompson.

Kingston upon Hull.

George Crowle,—Made a commissioner of the Victualling-office; and a new writ being ordered, Feb. 14, 1733, he was re-elected.

Jos. visc. Micklethwait,—Died, a new writ ordered, Jan. 24, 1734.

Henry Maister.

Knaresborough.

Sir Henry Slingsby,

Richard Arundel,—Made surveyor-general and keeper of his Majesty's private roads and ways; and a new writ being ordered, May 4, 1731, he was re-elected.

Scarborough.

John Hungerford,—Died; a new writ ordered, Jan. 14, 1730.

Sir Wm. Strickland,

William Thompson,—A commissioner of the Victualling-office.

Rippon.

William Aislabie,—Son to John, sen.

William Aislabie,—Nephew to John, sen.

Richmond.

Charles Bathurst, and Sir Marm. Wyvill,—Both not duly elected.

John York,

Sir Conyers D'Arcy,—Made comptroller of the Household, and privy counsellor; and a new writ being ordered, May 11, 1730, he was re-elected.

Heydon.

Henry Pulteney,—Colonel of a regiment of foot.

William Pulteney,—Made cofferer of his Majesty's Household; and a new writ being ordered, May 27, 1733, he was re-elected.

Boroughbridge.

James Tyrrel,

George Gregory,—Store keeper of the Ordnance.

Malton.

War. Geo. Westby,—Made a commissioner of the Customs; a new writ ordered, May 4, 1731.

Henry Finch,—Made receiver general and collector of the revenues in the island of Minorca; and a new writ being ordered, May 13, 1739, he was re-elected.

Sir Will. Wentworth.

Thirsk.

Sir Thomas Frankland,—Made a commissioner of trade and plantations; and a new writ being ordered, May 28, 1728, he was re-elected, and made a lord of the Admiralty; and a new writ being ordered, May 14, 1730, he was re-elected.

Thomas Robinson,—Secretary to Horatio Walpole, esq. as ambassador-extraordinary to the court of France.

Aldborough.

Charles Stanhope,

William Jessop,—Made second justice of Chester; and a new writ being ordered, Feb. 25, 1729, he was re-elected.

Beverly.

Ellerker Bradshaw,—Not duly elected.

Charles Pelham, Sir Charles Hotham.

Northallerton.

Henry Peirse,

Leonard Smelt,—Made clerk of his Majesty's Ordnance, and a new writ being ordered, May 16, 1733, he was re-elected.

Pontefract.

Sir Will. Lowther,

John Lowther,—Died, a new writ ordered, Jan. 14, 1730.

John Mordaunt.

CINQUE PORTS.

Hastings.

Thomas Townshend,—Made his election for the University of Cambridge.

Sir Will. Ashburnham,

Tho. Pelham, jun.—Secretary to the British ambassadors at the Congress.

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Dover.
Henry Furnese, George Berkeley.
Sandwich.
Josiah Burchet,
Sir George Oxenden—Made one of the lords of the Treasury at the end of this Parliament.
Hythe.
Hercules Baker,
Sir Sam. Lennard,—Died; a new writ ordered, Feb. 16, 1728.
William Glanville.
New-Romney.
John Essington, and David Papillon,—Both not duly elected.
Sir Robert Furnese,—Made his election for the county.
Sir Robert Austen, David Papillon.
Rye.
John Norris,—Made usher of the Custom-House in the port of London; a new writ ordered, Jan. 17, 1733.
Phillips Gybbon, Matthew Norris.
Winchelsea.
Robert Bristow,
John Scrope,—Made his election for Bristol.
Sir Arthur Croft,—Made his election for Beeralston, March 5, 1728.
Peter Walter.
Seaford.
Sir W. Gage,
Sir Philip Yorke,—Created lord Hardwicke, and made lord chief justice of England; a new writ ordered, Jan. 17, 1734.
William Haye.

WALES.

ANGLESEA.
Hugh Williams.
Beaumaris.
Wat. Will. Wynne,—Made his election for the county of Denbigh.
Richard visc. Bulkeley.

BRECON.
W. Gwyn Vaughan.
Brecon Town.
Thomas Morgan.

CARDIGAN.
John visc. Lisburne.
Cardigan Town.
Francis Cornwallis,—Died, a new writ ordered, Jan. 28, 1729.
Thomas Powell, and Richard Lloyde,—Double return.

CAERMARTHEN.
Sir Nich. Williams.
Caermarthen Town.
Arthur Bevan.

CARNARVON.
John Griffith.
Carnarvon Town.
Thomas Wynne,—Clerk of the green cloth to the King.

DENBIGH.
Wat. Will. Wynn.
Denbigh Town.
Robert Myddelton,—Died; a new writ ordered, April 12, 1733.
John Myddelton.

FLINT.
Sir Roger Mostyn.
Flint Town.
George Wynne, and Salusbury Lloyd,—Double return.

GLAMORGAN.
Sir Charles Kemeys.
Cardiffe Town.
Bussy Mansell.

MERIONETH.
Richard Vaughan.

MONTGOMERY.
Price Devereux.
Montgomery Town.
Robert Williams, and William Corbet,—Double return.

PEMBROKE.
John Campbell.
Pembroke Town.
William Owen.
Haverford West.
Erasmus Philipps.

RADNOR.
Sir Hum. Howarth.
New Radnor Town.
Thomas Lewis.

SCOTLAND.

SHIRE OF
Aberdeen.
Sir Archibald Grant,—Expelled the House on account of the charitable corporation; a new writ ordered, May 22, 1732.
Sir Arthur Forbes.
Air.
Col. James Campbell,—Colonel of the regiment of Scots Greys, and groom of the bedchamber to his Majesty; only brother to the earl of Loudoun.
Argyle.
Sir James Campbell,——Commissary of the Musters in North Britain.
Banff.
William Duff,—Created lord Braco in Ireland, 9 Geo. 2.
Berwick.
George Baillie.
Bute and Caithness.
Patrick Dunbar.
Clackmannan and Kinross.
Colonel John Hope.
Cromartie and Nairn.
Sir Ken. Mackenzie,—Died, a new writ ordered, Jan. 22, 1729.
Sir George Mackenzie.
Dumfries.
Charles Areskine.

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Dunbarton.
John Campbell,—Groom of the bedchamber to his Majesty.
Edinburgh.
Robert Dundass.
Elgin.
Alexander Brodie.
Fife.
Sir John Anstruther.
Forfar.
James Scot, jun.—Died, a new writ ordered, March 23, 1733.
Robert Scot.
Haddington.
John Cockburn.
Inverness.
James Grant.
Kincardine.
James Scott, sen.
Kircudbright.
Patrick Heron.
Lanark.
Lord Arch. Hamilton,—Made a lord of the Admiralty; and a new writ being ordered, May 13, 1729, he was re-elected.
Linlithgow.
Alexander Hamilton,—Secretary to the Prince of Wales for Scotland.
Orkney and Shetland.
Colonel George Douglas,—Succeeded to the title of earl of Morton; a new writ ordered, March 18, 1730.
Captain Robert Douglas.
Peebles.
John Douglas,—Died; a new writ ordered, March 21, 1732.
Sir James Nasmyth.
Perth.
John Drummond.
Renfrew.
Sir John Schaw.
Ross.
Lieut-gen. Charles Ross,—Died; a new writ ordered, Jan. 23, 1733.
John Monro.
Roxburgh.
Will. Douglas, jun.—Made keeper of the general register of horuings in Scotland; and a new writ being ordered, May 27, 1728, he was re-elected.
Selkirk.
John Pringle, sen.—Made one of the lords of Session in Scotland; a new writ ordered, Jan. 14, 1730.
J. Rutherford, jun.—Made commissary of the Commissariot of Peebles; and a new writ being ordered, June 13, 1733, he was re-elected.
Stirling.
Hen. Cuningham,—Commissary-general of the Musters in Scotland.
Sutherland.
Will. lord Strathnaver,—Grandson and heir of the earl of Sutherland, whom he succeeded: a new writ ordered, Jan. 22, 1734.
Wigtoun.
Col. William Dalrymple.

Edinburgh City.
John Campbell.

BOROUGHS OF
Kirkwall, &c.
Col. Robert Munro, jun.
Fortrose, &c.
Duncan Forbes.
Elgin, &c..
William Stuart,—Made his election for the boroughs of Air, &c.
Peter Campbell.
Aberdeen, &c.
John Middleton.
Forfar, &c.
John Drummond.
Craill, &c.
Philip Anstruther,—Colonel of a regiment of foot at Gibraltar.
Dysart, &c.
James Sinclair.
Inverkithen, &c.
H. Cuningham, jun.—Made his election for the shire of Stirling.
Thomas Erskine,—Made captain of foot in his Majesty's army; and a new writ being ordered, May 13, 1729, he was re-elected.
Glasgow, &c.
John Blackwood,—Not duly returned.
Daniel Campbell.
Selkirk, &c.
John Murray.
Haddington, &c.
Sir James Dalrymple.
Dumfries, &c.
Archibald Douglas, sen.
Wigtoun, &c.
Will. Dalrymple,—Made his election for the shire of Wigtoun.
John Dalrymple.
Air, &c.
William Stuart,—Made paymaster of divers annual bounties and pensions in England; and a new writ being ordered, May 5, 1731, he was re-elected.

LIST OF THE SIXTEEN PEERS OF SCOTLAND.

Duke of Montrose
Roxburgh
Marquis of Tweedale
Earl of Sutherland
Rothes, (died, in 1722.) In his stead
Finlater and Seafield.
Buchan
Haddington
Loudoun
Selkirk
Aberdeen
Orkney.
Stair
Bute
Hopetoun
Deloraine
Isla.

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Arthur Onslow, esq. chosen Speaker.] The Commons being returned to their House,

The Marquis of *Hartington* moved, "That Arthur Onslow, esq.* do take the Chair of this House." Upon which

Sir *William Strickland* seized the present occasion of bearing his testimony of the merits of the worthy gentleman, then recommended, to such, who had not sat with him in Parliament; for to such only could it be necessary to say any thing upon this occasion. That this vacancy had been twice supplied from his family,* with great honour, and, when the duty of the Chair came to be considered, he doubted not but all the qualifications, necessary for an exact performance of it, would be found in him: A thorough knowledge of the orders and methods of Parliament; a clearness, and readiness, in delivering opinions in matters of the greatest intricacy; and, above all, an unshaken zeal in the service of the kingdom, and an impartiality in judging on all occasions: And who had sat with him in the last Parliaments, without observing those virtues which distinguished that respectable character, and in endeavouring to point them out as patterns of imitation to all who wish to tread in his steps. Superadded to his great and accurate knowledge of the history of this country, and of the minuter forms and proceedings of Parliament, the distinguishing feature of Mr. Onslow's public character was, a regard and veneration for the British constitution, as it was declared and establsihed at the Revolution. This was the favourite topic of his discourse: and it appeared, from the uniform tenor of his conduct through life, that to maintain this pure and inviolate, was the object at which he always aimed. In private life, though he held the office of Speaker of the House of Commons for above three and thirty years, and during part of that time enjoyed the lucrative employment of Treasurer of the Navy, it is an anecdote perfectly well-known, that, on his quitting the chair in 1761, his income from his private fortune, which had always been inconsiderable, was rather less than it had been in 1727, when he was first elected into it.

"These two circumstances in Mr. Onslow's character, are of themselves sufficient to render the memory of that character revered and respected by all the world; but the recollection of them is peculiarly pleasant to the editor of this work; who, amongst the many fortunate events that have attended him through life, thinks this one of the most considerable, that, in a very early period of it, he was introduced and placed under the immediate patronage of so respectable a man; from whose instructions, and by whose example, he was confirmed in a sincere love and reverence for those principles of the constitution, which form the basis of this free government; the strict observance of, and adherence to which principles, as well on the part of the crown as of the people, can alone maintain this country in the enjoyment of those invaluable blessings, which have deservedly drawn this eulogium from the best-informed writers of every nation in Europe, 'That as this is the only constitution which, 'from the earliest history of mankind, has had 'for its direct object "Political Freedom;" so 'there is none other in which the laws are so 'well calculated to secure and defend the life, 'the property, and the personal liberty of 'every individual.'"

* See vol. 1, p. 704, and vol. 6, p. 744.

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* "January 24. The King came yesterday to the House, and ordered us to choose a Speaker, and present him on Saturday; Mr. Onslow was chosen by the most general concurrence that was ever known, moved by lord Hartington and seconded by sir William Strickland. We had 427 members in the House; most of them sincere and hearty friends and in perfect good humour, and things I am persuaded will go gloriously to the satisfaction of his Majesty and his friends abroad; I went through the park by chance, when his Majesty passed that way to the House, and the quantities of people were numberless; and the acclamations of joy the greatest that were ever known; I must own I never saw such a sight. I am with the greatest affection and respect, &c." Horace Walpole to the Earl of Waldegrave: Coxe's Walpole.

"Mr. Arthur Onslow was chosen Speaker, with an unanimity which could only be inspired by that opinion of his virtue and abilities, which his conduct has since so fully justified in a longer series of public and irreprehensible service in that station, than any man ever discharged." Tindal.

Mr. Hatsell, in his valuable book of Precedents (vol. 3 p. vi.), pays the following tribute of gratitude and respect to the memory of Mr. Onslow:

"It will be impossible to peruse a page of the following work, without observing the great advantage that it derives from the Notes and Observations of Mr. Onslow, the late Speaker of the House of Commons, which have been very obligingly communicated upon this occasion by his son, the present lord Onslow.

"It would be impertinent in the Editor of this collection to suppose, that any thing, which he can say, will add to the reputation of a character so truly eminent as that of Mr. Onslow; but, as it was under the patronage, and from the instructions of that excellent man, that he learnt the first rudiments of his Parliamentary knowledge; and, when Mr. Onslow retired from a public station, as it was permitted to the Compiler of this work, to visit him in that retirement, and to hear those observations on the law and constitution of this government, which, particularly in the company of young persons, Mr. Onslow was fond of communicating, he may perhaps be allowed to indulge himself for a moment, in recollecting

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serving, how exactly he had appeared to be versed in the orders and methods of proceeding, with what zeal for the liberties of his country, with what strength and perspicuity, he had debated, and how impartially he had acted in all the important affairs then in agitation? That these were the qualifications, which so eminently pointed him out a most worthy successor to the noble person, who last, and for so many years, filled the Chair with so great dignity: and that, thus qualified, he hoped, from the duty the worthy person owed his country, and from the zeal he had always shewn for the service of it, that he would not decline any service the House might require from him, how difficult and painful soever it might appear; and that he should be excused for the share he had taken in this matter, since, he assured him, it proceeded from a full conviction of the truth of what he said, and, of consequence, from the duty he owed to the House, and his country: That he forbore adding more to what he had said; not doubting other gentlemen's impatience to be as great as his to call to the Chair the worthy person named; and therefore concluded, by seconding the motion that Arthur Onslow, esq. do take the Chair of this House, as Speaker.

And the House calling upon Mr. *Onslow* to the Chair; he stood up in his place, and said,

"Mr. Stables,

"I am very sensible how great an honour I receive, in the noble lord and the worthy gentleman thinking me in any degree qualified for that high station, the filling of which is now the subject of our consideration. Their motion to the House, Sir, will be the glory of my life; but, to make it so, it must stop here, lest my having the execution of this office should lose me that credit which their recommendation will otherwise give me; an office, Sir, that all, who have been chosen to, have not succeeded in: the greatest men have tried their abilities there, and some, who have been esteemed such before, it is said, have found this eminence too high for them: nay, Sir, even speeches of disability, having become a custom and a fashion on these occasions, and should they be thought only such, shew the sense of mankind in all times as to the hazard of this undertaking. But that, which most increases my dread, is, the difficulty, the example of the great person who presided last among us, has left upon the behaviour of his successor. What then, Sir, must the terrors of my mind be, under the apprehension of being raised to this dangerous height, when surely no one, who ever came there, but gave fairer hopes of well performing his duty, than it is possible for me to do? Who, Sir, (of late ages at least) has been called to this promotion at the end of so short a service in the House, as mine has been? and who has had it to say in any age, that his knowledge of the business of Parliament was not greater than what I have acquired? I should also urge my want of years, would not that be an argument against some gentlemen here, whose great qualifications might long ago have recommended them to this charge, and whom, among others, I wish my honourable friends had rather thought of, than the person they have now named. Many, Sir, and great, are my other inabilities for the discharge of this important trust; needless for me to mention, where there are so many witnesses of them, and who, I am satisfied, Sir, will join with me in beseeching the noble lord and the honourable gentleman to recede from the motion they have made, and by that to make way for another, which will be more for the credit and benefit of the House."

But the House again calling upon Mr. Onslow to the chair; he was taken out of his place by the lord marquis of Hartington and sir William Strickland, who led him from the bar of the House up to the chair; where (upon the first step to the chair) he said,

"I hope, before I go any further, gentlemen will re-consider what they have done, and suffer me to return to my place, in order to the making choice of another person more fit for this."

But the Members cried, "No, no."

Whereupon Mr. *Onslow* ascended the upper step: and standing there, said,

"Since Gentlemen will not receive the reasons I have offered, for my not being brought hither, I am to return (which I do) my humblest thanks to the House for the great honour, which has this day been done me; but I hope, I shall have the leave of gentlemen to submit my inabilities to his Majesty, and to implore his gracious permission for the House to make another, which I am sure must be a better, choice."

The House cried, "No, no."

And thereupon he sat down in the chair; and then then the Mace (which before lay under the table) was laid upon the table.

The Speaker's Speech on being presented and approved of.] January 27. The King, being seated on his royal throne, adorned with his crown and regal ornaments, and attended with his officers of state; the Lords being also in their robes commanded the gentleman usher of the black rod to let the Commons know, "It is his Majesty's pleasure, they attend him immediately, in this House." Who being come;

Mr. *Onslow* said,

"May it please your most excellent Majesty,

"The Commons of Great Britain, in Parliament assembled, having received your Majesty's commands to make Choice of one of their members to be presented to your Majesty for their Speaker, have, in pursuance thereof, and according to their ancient right, proceeded to an election; and their choice, Sir, is fallen on me, for that important trust; but how proper a choice, is now with your Majesty to judge; and happy, Sir, is it for your Commons, that your Majesty's disapprobation will give them an opportunity to re-consider what they have done, and to make another election, more worthy of them, and of your Majesty's approval:

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and that your Majesty will be graciously pleased to shew this indulgence to your faithful Commons, am I, Sir, an humble suitor to you, for their sakes and my own, that their debates, the order, the decorum, and the dignity of their assembly, and thereby the great affairs of the kingdom, may not suffer through my inabilities; nor I sink under the weight of so unequal a burthen, but to be left to perform my duty to your Majesty and the public, in a way more suited to my capacity. But what, Sir, above all renders me most improper for this high station, and creates the greatest dread on my mind, is my unfitness to approach your sacred person, and to represent your Commons as they ought ever to appear before the Majesty of their Sovereign.

"It is, Sir, for these reasons, that I once more crave leave to implore your Majesty's goodness, to command your Commons to do what they can very easily perform; to make choice of another person, more proper for them to present to your Majesty on this great occasion."

The *Lord Chancellor*, receiving directions from his Majesty, said,

"Mr. Onslow,

"I am commanded by his Majesty to acquaint you, that he well approves of the decent and modest manner of excusing yourself: but doth not admit the excuse; for, being perfectly satisfied with the choice the House of Commons have made, his Majesty does allow and confirm you to be their Speaker."

Then Mr. *Speaker* said,

"Your Majesty having been pleased to approve the Choice your Commons have made, is a command upon me, and makes it my duty to submit. I do, therefore, Sir, with all thankfulness, acknowledge your Majesty's grace, in conferring this undeserved honour upon me; and do here beg leave to assure your Majesty of my best endeavours to discharge, if I cannot with ability, yet with impartiality and uprightness of heart, this great trust, which the Commons have committed to me, and which has now received your royal confirmation. And for my encouragement herein, permit me, great Sir, to beseech your Majesty's pardon on my failings and infirmities; at least, that your Majesty will not impute them in any wise to your faithful Commons. And, that they may be the better enabled to do their duty to your Majesty and their country, I do, in their name, and on their behalf, by humble petition to your Majesty, lay claim to all their ancient Rights and Privileges: particularly, 'That their persons, their servants, and their estates, may be free from arrests and all molestations: That they may enjoy freedom of speech, for the better management of their debates; and have liberty of access to your royal person, when occasion shall require it. And that all their proceedings may receive from your Majesty the most favourable construction.'

The *Lord Chancellor*, by his Majesty's further commands, said,

"Mr. Speaker,

"His Majesty is graciously pleased to grant to the House of Commons all the privileges you have asked in their name, in the most full, ample, and beneficial manner, they have been at any time granted or allowed by any of his royal predecessors; and as to yourself, his Majesty is so entirely satisfied of your dutiful affection to his service, that he will, on all occasions, make the best and most favourable construction of all your words and actions, in the execution and performance of this great trust, as Speaker of the House of Commons."

The King's Speech on Opening the Session.] Then his Majesty was pleased to speak as follows:

"My Lords, and Gentlemen;

"It is a great satisfaction to me, that at the meeting the first parliament summoned and convened by my authority, I am able to give you hopes of seeing the public peace and tranquillity very soon restored. I very much wished that the first period of my reign might have been distinguished by putting an immediate end to the troubles and disorders of Europe, by a reduction of some part of my forces, a diminution of taxes, and all the happy consequences of an honourable and established peace, to which my endeavours have in no manner been wanting, as far as was consistent with maintaining the possessions, rights, and privileges, of my kingdom; and, I promise myself, not without great probability of success.

"I am very sensible of the disagreeable and uneasy situation in which our affairs have been for some time; and have been extremely concerned to see many of the inconveniencies of a war attending us, without any opportunity of resenting the injuries we sustained, or gaining of those advantages in return, which the vigorous prosecution of so just a cause, and the success of our arms, might probably have secured to us.

"But you are sufficiently apprized that Preliminary Articles for a general pacification were some time ago signed and accepted by the contracting parties on both sides; and although the ratifications of them had been exchanged by me and my allies with his Imperial Majesty, the good effects expected from them were retarded by the refusal on the part of Spain to execute some of the most material points contained in them, and by endeavours to alter and explain some articles in such a manner as immediately affected the possessions and the just rights of my kingdom. I therefore jointly with my allies, declined exchanging the ratifications of the preliminaries with the court of Spain; and rejected all such propositions as were detrimental and injurious to my honour, and the interest of my people.

"By these means, the negotiations were re-

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avoidably carried into a tedious length; which I endured with the greater patience, from an earnest desire to procure to my subjects a safe and honourable peace, and to see the tranquillity of Europe preserved and settled upon a solid and lasting foundation: during which time, I received from the most Christian King and the States General the greatest proofs of their sincerity, and a renewal of the strongest assurances imaginable, that they would effectually make good all their engagements in support of the common cause, and of our mutual interests; and I am very glad that I can acquaint you, that our joint endeavours have had so good an effect, that by the last advices from abroad, I have great reason to hope that the difficulties which have hitherto retarded the execution of the preliminaries and the opening of the Congress, will soon be entirely removed.

"However, it will in the mean time be absolutely necessary to continue, as our allies have already resolved to do, the preparations which have hitherto been our security, and prevented an open rupture in Europe, that we may not at once lose all the advantages which our former expences and vigour have so nearly procured, by not being in a condition, if that necessity should unexpectedly be brought upon us, to vindicate our honour, and assert our rights: and you may depend upon it, that my first care shall be, to reduce, from time to time, the expence of the public, as often and as soon as the interest and safety of my people will permit it.

"The Preliminary Articles, and such other Treaties and Conventions as have not yet been communicated to Parliament, and which may without manifest prejudice be exposed to public view, shall be laid before you.

"Gentlemen of the House of Commons;

"I have given orders to the proper officers, to prepare and lay before you Estimates of the Expences for the service of the current year; and you may be assured, that the Supplies, which I find myself obliged to demand of you, shall as certainly, as they do exceed my wishes and inclinations, be employed solely for the interest and security of the nation; and I make no doubt, but that if any method can be found out for raising the necessary supplies, less grievous to my people than another, that will have the preference in all your deliberations.

"I think myself obliged to recommend to you a consideration of the greatest importance, and I should look upon it as a great happiness, if, at the beginning of my reign, I could see the foundation laid of so great and necessary a work as the Increase and Encouragement of our Seamen in general, that they may be invited, rather than compelled by force and violence, to enter into the service of their country, as often as occasion shall require it; a consideration worthy of the representatives of a people great and flourishing in trade and navigation.

"This leads me to mention to you the case of Greenwich Hospital, that care may be taken, by some addition to that Fund, to render comfortable and effectual that charitable provision for the support and maintenance of our Seamen, worn out and become decrepit by age and infirmities in the service of their country.

"My Lords, and Gentlemen;

"As I have great hopes that a general pacification will be now obtained, by a speedy execution of the Preliminaries; I am satisfied that nothing will more effectually contribute to, and secure, this desirable end, than such an unanimity, zeal, and dispatch of the public business in this parliament, as may convince the world, that none among you are capable, out of any views or considerations whatsoever, to wish the distress of their country, or to give an occasion, from the prospect of difficulties that may arise, and be fomented here at home, to interrupt or disappoint our present promising expectations: this it is in your power to defeat; and this I depend upon, from your known zeal and affection to my person and government, and your hearty concern for the interest and welfare of my people." *

Which being ended; his Majesty was pleased to retire; and the Commons withdrew.

The Lords' Address of Thanks.] The Lords unanimously voted an Address of Thanks, which, on the 29th, was presented as follows:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in parliament assembled, beg leave to return your Majesty the humble Thanks of this House, for your most gracious Speech from the throne, and to congratulate your Majesty upon the great hopes you have been pleased to communicate to us, of seeing the public peace and tranquillity very soon restored.

"These, we must humbly acknowledge, are the happy consequences of that spirit and resolution, with which your Majesty has asserted your rights as Sovereign of this kingdom, tempered with a noble self-denial of all the success and glory that might attend your Majesty's arms, in the prosecution of a just and necessary war, when put in balance with the ease, quiet, and prosperity of your subjects. It is a disposition of mind truly great in your Majesty, a Prince so early initiated in the art of war, and formed by nature for the greatest military achievements, to choose rather to procure peace for your subjects, than to lead them to victories; and to adorn your reign with the sincere and grateful acclamations of a happy people, rather than the splendour of triumphs.

"Your Majesty's tender and indulgent care for the welfare of your kingdoms, has induced you to express so kind and affectionate a con-

* "This Speech, which was, in general, looked upon as what the public called an honest one, and was acknowledged to be very little dashed with ministerial brewage, had a very good effect." Tindal.

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cern for the late disagreeable situation of affairs, though occasioned by mere necessity which no human prudence could have prevented: But whatever inconveniences have happened, they fall light upon us, when we observe, that your Majesty, as a true father of your country, feels every uneasiness your subjects suffer: and as your Majesty has justly rejected all propositions, that were detrimental or injurious to your honour, and the interest of your people, we cannot doubt but your Majesty's endeavours, in conjunction with your allies, to put an end to the troubles and disorders of Europe, will soon have the desired success.

"The nature of such negociations could not but carry them into that length your Majesty is graciously pleased to regret, and the patience your Majesty has had, solely from an earnest desire to procure to your subjects a safe and honourable peace, must in duty and gratitude animate the whole nation with the most steady zeal, to exert itself in vindicating your Majesty's honour, and defending the rights of your crown. If contrary to expectation, the day should come, when the safety of your people shall require stronger remedies than negociations; we shall most cheerfully in that case, under God, depend upon your Majesty's valour and conduct.

"We therefore humbly concur in opinion with your Majesty, of the absolute necessity of supporting your Allies, and promoting the mutual fidelity, which we, with the greatest satisfaction, observe between your Majesty and them, by continuing the preparations that have brought us to so near a prospect of peace; that your Majesty, however unwilling, may not be unable to defend by force those rights, which we are persuaded will be maintained by amicable measures.

"The gracious assurances from your Majesty of your desire to reduce the Public Expence, and the full conviction we have, that it will be managed with the utmost care and frugality, lay the greatest obligations upon us to do all in our power, to support the prudent and necessary measures your Majesty so steadily perseveres in, for establishing a solid and lasting peace.

"Your Majesty's condescension in acquainting your parliament, that the Preliminary Articles, and such other treaties and conventions, which, without manifest prejudice, may be exposed to public view, shall be laid before us, is anticipating all we could reasonably ask of your Majesty in the present conjuncture.

"We have a fresh instance of your Majesty's early application to prosecute the real interest and peculiar advantage of this kingdom, by your being graciously pleased to recommend to us so important a work, as that of the increase and encouragement of our seamen. The weight which the naval force of Great Britain has so lately and visibly had, in asserting the honour of your Majesty's crown, and the rights and possessions of our country, is too lively upon our minds, for us not to enter with the greatest willingness on a deliberation so useful and necessary, that they may be invited into the service, by means more suitable to the known humanity and tenderness of the Prince they are to serve, and to those liberties they are to enjoy as well as defend, than the methods hitherto used of compulsion.

"We cannot give better proofs of our duty to your Majesty, and love of our country, than by our unanimity, zeal, and dispatch of the public business; and we hope this parliament will convince the world, that none of your subjects are so weary of their own happiness, as out of envy or malice to wish a public distress, or to foment difficulties at home, in order to interrupt our present promising expectations: We should look on such as incendiaries, unworthy of the name of Britons; they would be detested at home, and despised abroad, even by those whose cause they would serve. The just indignation such an unnatural temper would raise in the hearts of all your faithful subjects, would necessarily incite them to the greater zeal for your Majesty's service, and support of your government, upon which our happy prospect of peace and prosperity does depend: and as we are deeply sensible of the happiness we enjoy under the best of governments, administered by the best of kings, we will shew that we know how to set a just value on those blessings, by admitting no other contention amongst us, but who shall be most active and zealous in preserving them, and in promoting the public felicity, by rendering your Majesty's reign as easy and glorious to yourself, as it is happy and advantageous to your people."

The King's Answer.] His Majesty's Answer was as follows:

"My Lords;

"I thank you for this very dutiful and affectionate Address, which cannot fail of having a good effect both at home and abroad. The welfare and happiness of my people shall always take place with me of all other considerations; and you may be assured that the confidence you put in me, shall not be made use of to any other purposes, but for the safety, interest, and honour of the nation."

The Commons' Address of Thanks.] Jan. 31. The Speaker reported his Majesty's Speech to both Houses; upon which the lord Hervey, member for Bury, moved an Address of Thanks to his Majesty, which being seconded, a Committee was appointed to draw up an Address to his Majesty upon the said Resolution: which was agreed to;* and the said Address pre-

* "February 2. In the House of Commons Mr. Shippen would have made an amendment after the words, 'the disagreeable and uncer-'tain situation of affairs,' by adding these following, 'at his Majesty's accession to the 'throne,' which were intended as a reflection

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sented on the 2nd of February as follows:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, beg leave to return our humblest Thanks for your Majesty's most gracious Speech from the Throne; and to acknowledge, in the most dutiful and grateful manner, the tender and affectionate concern your Majesty has been pleased to express, for the many inconveniences that have arisen from the late disagreeable and unsettled state of the affairs of Europe.

"We are sensible of the unwearied and uninterrupted care with which your Majesty, ever since we have enjoyed the blessings of your reign, has laboured to put an end to the disputes, and restore the tranquillity of Europe; of the desire you have had to free your people from all the burthens occasioned by impending war, and to procure to them all the happy consequences of a safe, honourable, and established peace; and we think it as impossible that any difficulties should arise, to prevent us feeling the good effects to be expected from your prudence, as it is for any event to make us forget the marks we have already received of your affection.

"The firmness your Majesty has shewn in absolutely refusing to admit of any explanations of preliminaries, derogatory to the honour, or prejudicial to the interest of this nation, we feel more sensibly: as we think it is equally for your Majesty's glory and our happiness to have it appear to the whole world, that the care of your people is a consideration so much superior to every other, in fixing your Majesty's resolutions, that not even one so important as the peace of all Europe could induce you to submit to the demands of others, or recede from your own in any point, where our possessions were invaded, our interest struck at, or our privileges disputed.

"And since this stand, which your Majesty, in justice to yourself and regard to your people, thought fit to make, has not broke off the accommodation, but only retarded it for our advantage; we beg leave to congratulate your Majesty upon the near prospect of that success in your negotiations, which cannot more effectually fulfil our wishes, as the earnest of our prosperity, than it answers our expectations in demonstrating your wisdom.

"But in case your Majesty's expectations of seeing the public peace and tranquillity soon restored, should still be disappointed; that your people may no longer continue in that uncertainty, in which the policy of others may endeavour to keep us; and that we may be in a condition to do ourselves justice, should that necessity unexpectedly be brought upon us, we are determined, out of regard to our own interest, as well as that we shall ever pay to your Majesty's honour, most effectually to enable you to do yourself right, and to assert and to maintain all the possessions, advantages, and privileges of your people.

"Whatever Supplies therefore may be wanted for the service of the current year, your Commons will, with the utmost chearfulness and unanimity, grant; being assured no Aid will ever be demanded by your Majesty of your subjects, but what you judge absolutely necessary for their own interest and security. And as we are determined, in whatever Supplies we raise, to have regard to such methods as shall be least grievous to your people; so we have the greatest satisfaction in thinking we may entirely depend on your Majesty's justice and wisdom, that whatever we do grant, will be constantly applied in the manner that will be most beneficial to them. Neither had we the least doubt, before we received your Majesty's most gracious promise, but that your Majesty, from your paternal goodness to your people, would, from time to time, take every opportunity to make all such reductions of the public expences, as should be for our present ease, without endangering our future safety.

"The assurances your Majesty has given us of the sincerity and steadiness, with which you are satisfied all your allies are determined, in all events to adhere to their engagements, and espouse the common cause, gave us the greatest satisfaction; and let the future dangers and difficulties that may yet arise, impossible to be foreseen, be ever so formidable or ever so numerous, we do not imagine there can be any which your Majesty's prudence, caution, abi-

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on his late Majesty and his ministers; and thence he took occasion to launch out into many invectives, and among other things, taxed our squadrons with being useless and insignificant, for that we might have rifled the galleons at Carthagena, and plundered Portobello; and have had those riches in our hands to dispute with the Spaniards, &c. Sir W. Wyndham seconded him; and added that by our languid and lifeless way of proceeding, we did no more than remove the negociations from Paris and Madrid to Cambray, and that he could not see by this slow method, that we were any thing near getting out of our difficulties. But these declamations were received so ill by the House, and raised so much indignation, that the opposite party had not the courage to offer at any division, so that your lordship may be assured that the opening of this Parliament has been most auspicious for the King and his affairs, and there is no question but it will continue so: only your lordship will observe, and my lord thinks you may well take notice of it to the Cardinal, that instead of the vivacities some take us to have, how the King's ministers are accused of languidness and want of spirit. And as sir William Wyndham is an intimate friend of lord Bolingbroke's, my lord believes that they pass with him too as not having vivacity enough. I hope this will encourage your lordship and all our friends."—George Tilson (under Secretary of State) to the Earl of Waldegrave. Coxe's Walpole.

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lities and experience, joined to the assistance of your parliament, the firmness of your allies, and the bravery of your people, will not easily dispel.'

"It is an indispensible duty of those, who have a just sense of the great importance of the Trade and Navigation of this kingdom, to provide proper encouragements for our Seamen; and common justice requires that we should take a compassionate care of those, who by misfortunes in their brave and faithful services to their country, are become equally incapable of continuing those services, or providing for themselves: we beg leave therefore to assure your Majesty, that we will take this matter into our consideration, and on this, as well as every other occasion, pay the deference and regard due to your Majesty's most gracious recommendation.

"If there are any so ill informed of the steady affection of your Commons, as vainly to place their hopes on any disputes or differences that might arise amongst us, we are determined, by a hearty, zealous and general concurrence in all our deliberations, for your Majesty's interest and the public welfare, effectually to disappoint such ill grounded expectations; and we are satisfied we cannot give better evidence of our love to our country, than by constant demonstrations of our duty to the best of kings: And as your Majesty's endeavours have been, and, we are persuaded, ever will be, to preserve us a free, and establish us a happy people, so we should think ourselves undeserving all the benefits and blessings of your reign, were it possible we could ever be wanting in the least point, on our part, to make it as great, happy and glorious, as that of any of your royal predecessors."

The King's Answer.] To this his Majesty returned the following Answer;

"Gentlemen;

"I give you my Thanks for this very loyal and affectionate Address. Such returns of duty and gratitude from my faithful Commons would add, if any thing possibly could, to my resolutions of promoting and consulting upon all occasions the welfare and prosperity of my people. The entire confidence you place in me will engage me more strictly to make use of the power and trust you shall repose in me, for your interest, and to your satisfaction; and you shall always find my readiness to ease and reduce the expences of the public to your expectations." *

Debate on the Number of the Land Forces.] Feb. 9. The Commons in a Committee of the whole House on the Supply, considered of the Estimate of the Charge of the Guards, Garrisons, and other his Majesty's Land Forces in Great Britain, for the year 1728; and a motion being made, That the number of effective men, be 22,955; the same met with opposition some members insisting, that the 8,000 Augmentation-troops, raised last year, should be

* "It was at this period, in which Walpole, confiding on the support of queen Caroline, took the lead in the administration, and became in reality the first minister, although lord Townshend still ostensibly retained the name; that the Opposition began to form itself into consistency, and to compose a firm and compact phalanx, which resisted all the efforts and influence of the minister to divide them, and which finally drove him from the helm.

"Until the death of George the First, the component parts of this heterogeneous body, which consisted of a few disappointed Whigs, Tories, and Jacobites, did not cordially coalesce. Many of those Whigs and moderate Tories, who looked up to that event as a prelude to their own admission into the ministry, kept aloof from those who, as being professed Jacobites, or violent Tories, could not expect the same success. But no sooner had the continuance of Walpole in office annihilated their hopes, than the whole body became compact and united. In this respect the Whigs became Tories, the Tories Whigs; and the Jacobites assumed every shape which tended to promote their views, by distressing government, and harassing the minister, whom they considered as the great supporter of the house of Brunswick.

"The chief aim of the minister was to comprehend almost all the Tories as enemies to the government, by the name of Jacobites, or at least to give that stigma to every one who was not a profest and known Whig. With this view, his own administration being naturally supported on a Whig foundation, he endeavoured to attach to himself all those who had been dependent on Sunderland. With some he succeeded, but not with all; and of those whom he could not gain, several remained in their employments, because they were protected by the Hanover junto. This body of Whigs, small but of considerable eminence, remained his enemies to the time of the king's death, watching for every opportunity to ruin him; and from the accession of George the Second, commenced the opposition which became afterwards so troublesome and formidable. Pulteney was the great leader of this body; under him were ranged his kinsman Daniel Pulteney, sir John Barnard, Sandys, and afterwards lord Polwarth, Pitt, Littleton, and the Grenvilles. Sir William Wyndham was the great chief of the Tories, and William Shippen was at the head of the Jacobites, who did not form less than fifty members. Those who supported the minister were lord Hervey, whose character and talents have been scandalously depreciated by Pope, Henry Pelham, sir William Yonge, whom Johnson calls the best speaker in the House of Commons, Winnington and his brother Horace Walpole, whose talents for negotiation, indefatigable assiduity in business, and acquaintance with foreign transactions, rendered him an able coadjutor." Coxe's Walpole.

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entirely reduced: But being apprehensive that the majority of the Committee were for the motion, they endeavoured to put off the debate, by moving, 'That Mr. Speaker should resume the chair;' which being carried in the negative, by 290 votes against 84, * the Committee came afterwards to the following Resolutions. 1. "That the number of effective men to be provided for Guards and Garrisons in Great Britain, and for Guernsey and Jersey, for the year 1728, including 1850 invalids and 555 men for the six independent companies for the service of the Highlands, be 22,955 men, commission and non-commission officers included. 2. That the sum of 786,974*l.* 2*s.* 9*d.* be granted for defraying the charge of the said 22,955. effective men." These Resolutions, being the next day reported, were agreed to by the House.

Debate in the Commons on the Hessian Troops.] Feb. 14. The House in a grand Committee on the Supply, considered of the estimate of the Charge of 2,224 horse, 1,836 dragoons, and 8,034 Foot of the Troops of the landgrave of Hesse-Cassel, for the year 1728. Then a motion being made, that the sum of 230,923*l.* 11*s.* 8*d.* be granted for the said Charge, the same occasioned a great Debate.

Mr. *Horatio Walpole* hereupon set forth the state of affairs in Europe for some years past, and endeavoured to shew the absolute necessity of keeping up all our forces till the end of the present negociations, particularly the 12,000 men, which, by the Treaty of Hanover, Great Britain stood engaged to furnish.

He was answered by Mr. Daniel Pulteney, Mr. W. Pulteney, sir William Wyndham, sir Wilfrid Lawson, and Mr. Bramston, member for Malden, who objected, That by the said Treaty, the contracting parties were not obliged to furnish the succours stipulated therein, but within two months after requisition; and that, even in such a case, Great-Britain was only to furnish men of war, or transport-ships, or even subsidies of money, at the choice of the party requiring the said Succours. To this

Mr. *Horatio Walpole* replied, That the late king, in his great wisdom, had thought fit to provide betimes the said body of 12,000 men, in order to obtain the ends of the Treaty of Hanover: that with this view a Convention was made with the landgrave of Hesse-Cassel, whose troops were the most ready at hand for that purpose, and much cheaper than the raising and maintaining national troops: that the necessity of making this Convention was the greater, by reason of an unforeseen disappointment from one of the contracting parties in the the forementioned alliance: that time had shewn, that the taking the said 12,000 men into his Majesty's Service was a wise and necessary precaution, since they had hitherto prevented the kindling of a war in Germany; and that as the same reasons, for which they were taken into pay, still subsisted, it was prudence and absolutely necessary to continue that expence till the intended congress at Cambray was over.

Then the question being put upon the motion above-mentioned, it was carried in the affirmative by 280 votes against 84.*

Feb. 15. Sir Charles Turner reported the said Resolution, which was agreed to by the House.

Address for an Account of 250,000l. charged for Secret Service.] Feb. 19. It was resolved to address his Majesty for a particular and distinct Account of the Distribution of the Sum of 250,000*l.* which, in an Account laid before this House, shewing how the money given for the year 1727 has been disposed of, is charged to have been issued for other Expences and Engagements, over and above such as are therein particularly specified, for securing the trade and navigation of this kingdom, and preserving and restoring the peace of Europe; and of the time or times when the said sum of 250,000*l.* was issued and distributed.

The Committee of Supply resolve to raise 1,750,000l. on the Coal Duty.] Feb. 23. The Commons, in a Committee on the Supply, came, to the following Resolution, viz. "That 1,750,000*l.* be raised by Grant or Sale to the Bank of England, of Annuities not exceeding 70,000*l.* per annum, being after the rate of 4*l.* per cent. per annum, redeemable by parliament, to commence from the 24th of June, 1728, and to be charged on the duties on coals and culm." Hereupon

Mr. *William Pulteney* observed, That the

* "Feb. 12. You guessed extremely right, in imagining that Mr. Penterhidter's discourse about disbanding of forces pointed at us, for in the debate on Friday about keeping the same number of forces, Mr. Pulteney, though he pretended that he had no other intention but to put off the question for some days in expectation of some news from Spain, could not forbear reasoning in a manner that tallied exactly with Penterhidter's discourse. You will have learnt from others the success of the day, where the division was 290 against 86, the greatest majority that ever was known in a committee; and there is all the reason in the world to believe that the rest of the public business will be carried on by the same spirit and unanimity." Horace Walpole to the earl of Waldegrave: Coxe's Walpole.

* "Feb. 15. We had yesterday in the Committee of Supply a debate about continuing the Hessians another year in his Majesty's pay, which called me up, and although the debate did not last long, yet the opposite party would come to a division, and we were 280 against 86, and I reckon that our dispute about foreign affairs is as good as over, and by what the King said to me this morning, I believe it will not be long before I shall have the honour to see you at Paris." Horace Walpole to the Earl of Waldegrave: Coxe's Walpole.

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shifting of funds was but perpetuating taxes, and putting off the evil day; and that notwithstanding the great merit that some had built on the Sinking Fund, it appeared that the National Debt had been increased since the setting up of that pompous project. Upon which

Sir *Nathaniel Gould*, an eminent merchant, said, He apprehended that gentleman had his notions out of a Treatise, intitled, "A State of the National Debt," &c. supposed to be written by that very gentleman; but that if he understood any thing, it was numbers, and he durst pawn his credit and reputation to prove that Author's calculation and inferences to be false and erroneous. To this

Mr. *Pulteney* replied, That he took them to be right; and he would likewise pawn his credit and reputation to make good his assertion. Upon this

Sir *Robert Walpole* took up the cudgels, and said, He would maintain what sir Nathaniel Gould had advanced.

Several warm expressions having passed on both sides,

Mr. *Hungerford* interposed, in a jocular speech, that put the House in good humour, and so the dispute ended.*

Petition of the City of London, for Relief with regard to the Coal-Duty.] Feb. 26. A Petition of the Lord Mayor, Aldermen, and Commons of the city of London, in common council assembled, was presented to the House, setting forth, "That the Duties already laid upon Coals and Culm imported into the port of London affect their trade only; and that the inequality of the burden hereof is a great discouragement to the manufactures, as well as an hardship upon the whole trading people in and about the city of London; and praying the consideration of the House, and such relief as to the House shall seem meet." But a motion being made, and the question put, that the said Petition be rejected, it was carried in the affirmative, by 214 voices against 92.

Then sir Charles Turner reported the above Resolution, which being read a second time, and a motion being made and the question put, that the said Resolution be recommitted, it passed in the negative: After which the said Resolution was, upon the question put thereupon, agreed to by the House.

The King's Answer to the Address for an Account of 250,000l. charged for Secret Service.] Feb. 29. Sir Paul Methuen reported to the House, That their Address for a particular and distinct Account of the sum of 250,000*l.* &c. had been presented to his Majesty, and that his Majesty had commanded him to acquaint the House;

"That the late King, his Majesty's royal father, having the like occasion, received from the last parliament the most dutiful acknowledgments of his great care and wisdom, in taking such steps, and entering into such engagements, as he thought would best conduce to the security of this kingdom, and the preservation of the peace of Europe; and at the same time the strongest assurances of their future support, in all such farther measures, as he should find necessary and expedient, for preventing a rupture, and for the honour and advantage of these kingdoms: and a power being accordingly given by parliament to his late Majesty, for issuing and applying such sums of money as he should find necessary, for answering and defraying such expences and engagements, as had been or should be made for these great and necessary purposes; some part of the money, mentioned in this Address, had been issued and disbursed by his late Majesty; and the remaining part had been applied by his present Majesty, for carrying on the same necessary services; for strengthening his alliances; and in fulfilling Engagements of the utmost importance to these kingdoms, and to the general tranquillity of Europe, and which require the greatest secrecy. His Majesty therefore hopes, That this House will repose the same confidence in him; and be assured, that the money has been necessarily expended, pursuant to the power given by act of parliament, and for the uses and purposes thereby directed; and that a particular and distinct Account thereof cannot be given without manifest prejudice to the public." Upon this

Mr. *W. Pulteney* raised several weighty objections against such a vague and general way of accounting for public money, as tending to render parliaments altogether insignificant and useless; to cover embezzlements; and to screen

* "Whitehall, February 24. Yesterday, as sir Robert Walpole was giving an account to the House of Commons of the state of the Sinking Fund, he acquainted them that since the year 1716, it had paid off of the nation's debts a certain sum (I think 6,000,000*l.* and 7 or 800,000*l.*) but that by the contracting of new debts the debt of the nation had upon the balance been lessened, as I remember, about two millions and half only. Mr. Pulteney answered him, and averred that the debt of the nation, instead of being at all lessened, was greatly increased since 1716, and that though he was not now prepared to prove it, he would undertake to do so in two or three days, and put his reputation upon it. Sir Robert put his reputation upon making out the truth of what he had advanced. In the debate mention having been made of the book published about a twelve-month ago, as was thought by Mr. Pulteney's direction, called, "A State of the National Debt," sir Nathaniel Gould said he had carefully examined that book, and would undertake to prove it very fallacious. So it is expected there will on the next proper occasion be a formal debate upon this subject; but some say they remember that some such challenge was formerly given by the same gentleman, but not supported."—De la Faye to the Earl of Waldegrave. Coxe's Walpole.

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corrupt and rapacious ministers; urging the increase of the National Debt, notwithstanding the so much boasted Sinking Fund, and insisting on having that important affair immediately debated in a Grand Committee.

But the court-party waved it, by moving to adjourn the House to the 4th of March; which, after some debate, was carried in the affirmative by 202 votes against 66.

Debate in the Commons on the State of the National Debt.] March 4. The Commons, in a Committee of the whole House, considered of the State of the National Debt, and the proper officers were examined as to the following Accounts, viz. "1. An Account of such National Debts, incurred before December 25, 1716, as are redeemable by parliament, with the interest attending the same, and when the same are redeemable. 2. An Account of the Money paid into the Exchequer on the Duties on Coals and Culm, from the 29th of Sept. 1720, to the 29th of Sept. 1727, distinguishing each year; and also the Account of the present annual and other charges thereupon. 3. An Account shewing how the Money given for the service of the year 1727 hath been disposed of, distinguished under the several heads, until the 15th of February, 1727, with the deficiency thereupon. 4. An Account of the Estimate of the Debt of his Majesty's Navy, as it stood on the 31st of December, 1727."

Then a motion was made by the Courtiers, 'That it appears, That the Monies already issued and applied towards discharging the National Debts, incurred before Christmas 1716, together with the sum of 220,435*l.* 16*s.* 4*d.* ¼ q. which will be issued at Lady-Day 1728, towards discharging the said debts, amount to 6,648,762*l.* 5*s.* 1*d.* ¼ q.'

Hereupon there arose a very warm debate, and Mr. Daniel Pulteney* endeavoured to shew the fallacious tendency of that motion; and was seconded by Mr. William Pulteney, and supported by lord Morpeth, Mr. Shippen, and sir William Wyndham. They suggested in general, That notwithstanding the Supplies that were annually raised in the last reign; notwithstanding the great sums of money given from time to time, for extraordinary expences and secret service; notwithstanding the produce of the Sinking Fund; yet the Public Debts, for the gradual discharge of which that famous project was said to be contrived, were rather increased than lessened; and this in a time of almost uninterrupted peace and tranquillity, which must be owing to a very profuse management of the public treasure; and yielded but a very melancholy prospect; since at this rate our debts must still grow faster in case of a war or public troubles; so that the heavy and numerous taxes that now lay upon the nation, must be perpetuated to the latest posterity. Then, entering upon particulars, they took notice of the artifice with which the accounts that lay before them, were drawn up; that in order to swell that of the sums said to have been issued and applied towards the discharge of the Public Debts, incurred before Christmas 1716, there were added to it above three millions, for the advanced price given in the year 1720, in order to make the irredeemables redeemable, which could not properly be called a payment of those debts: whereas, on the other hand, in the Account of the present National Debt, or of the increase of that debt since Christmas 1716, several large sums were omitted, particularly one million, raised upon the credit of the Civil List, and several deficiencies on the Land Tax, Malt, and other funds which certainly still remained a public debt. Hereupon

Sir *Robert Walpole*, having shewed the nature and state of the Public Debts and the operation and efficacy of the Sinking Fund, strenuously maintained the assertion contained in the motion.

The opposite party perceiving that the majority of the Committee were for the motion, moved that Mr. Speaker should resume the chair; but, after some debate, the question being put upon this second motion, it was carried in the negative by 250 voices against 97. Then the question being put upon the first motion, it was carried without dividing; and the farther consideration of the State of the Nation, in relation to the National Debt, was put off to the 8th.*

* "Mr. Daniel Pulteney was at that time in high credit for his great knowledge of public business and foreign transactions. He was a man of vast application and uncommon talents. He was a cold, but weighty speaker, and though other members in the opposition had brighter parts, none of them had equal abilities, because his natural capacity, which was sound and vigorous, had been improved by study and application. He put himself at the head of the debate upon this occasion, and being quite master of the subject, he endeavoured to shew there was fallacy and deceit in the motion." Tindal.

* "Whitehall, March 7. I was glad that what my lord directed me to write about the parliament was so useful to your lordship. There was last Monday a great battle in the House of Commons, carried with the usual majority of above 250 to 90 and odd; but it was a domestic point, wherein our neighbours take no very great part. It was the dispute Mr. Pulteney raised about the vast increase of our debt, more than was paid off by the Sinking Fund. It appeared clear to the House, that above six millions had been paid off by that fund since 1716. To day is appointed to debate the other part of the question, how many new debts are incurred since that year: and it is generally said, that it will be made plain, that with the debts properly said to be contracted for services within that time, at least two or three millions will have been paid off. For the purchasing the long annuities, the

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March 8. The Commons, in a Committee, of the whole House, resumed, the consideration of the National Debt, and after a long debate came to the following Resolutions, which, together with the Resolution of the 4th instant, are as follow: viz. 1. "That the Monies already issued and applied towards discharging the National Debts incurred before Christmas 1716, together with the sum of 220,435*l.* 16*s.* 4*d.* ¼*q.* which will be issued at Lady day 1728, towards discharging the said debts, amount to 6,648,762*l.* 5*s.* 1*d.* ¼*q.* 2. That the several National Debts, including the Debt of the Navy as it stood Dec. 31, 1727, contracted and incurred since December 25, 1716, for answering and defraying the annual charges and expences of the public, for the current service of the several years since the said 25th of December, 1716, amounted on the 8th day of March, 1727, to the sum of 2,605,545*l.* 16*s.* 0*d.* ¼*q.* 3. That the National Debt contracted since the 25th of December, 1716, for or in respect of the sum advanced by the South Sea Company, pursuant to an act of the 5th year of king George I. for the liberty of increasing their capital stock, being so much thereof as was applied to the Sinking Fund, doth amount to the sum of 328,673*l.* 4*s.* 10*d.* ¼*q.* 4. That the National Debt contracted since the 25th of December 1716, for making good the yearly deficiencies of the general fund, from the establishment thereof to and for the year ending at Michaelmas, 1726, the surplus whereof is applicable to the Sinking Fund, amounts to the sum of 703,740*l.* 6*s.* 2*d.* ½*q.*" *

March 12. Sir Charles Turner having reported the above-mentioned four Resolutions, the same occasioned a long debate, which was chiefly managed by Mr. William Pulteney on the one side, and Sir Robert Walpole on the other. Upon the whole, the first of the said Resolutions being read a second time, and a motion made, and the question being put, That the said Resolution be re-committed, it passed in the negative: After which the said Resolution was agreed to by the House. The second Resolution being read a second time, and a motion being made, and the question being put, That the said Resolution be re-committed, it passed in the negative: Then the said Resolution was agreed to by the House. The third Resolution, being read a second time, was agreed to by the House. The fourth Resolution being read a second time, was, with an Amendment, agreed to by the House, and is as followeth, viz. Resolved, "That the National Debt contracted since the 25th of Dec., 1716, for making good the yearly Deficiencies of the General Fund, from the establishment thereof, to and for the year ending at Michaelmas, 1726, the surplus whereof is applicable to the Sinking Fund, amounts to the sum of 703,740*l.* 6*s.* 2½*d.* and that by virtue of two acts of parliament of the 5th year of king George 1. further Additions have been made to the capital stock of the South-Sea Company, for making good several Deficiences of the original and additional funds of the said Company settled, and established before the 25th December, 1716, amounting together to the Sum of 290,028*l.* 19*s.* 11½*d.*"

A Committee appointed to draw up a Representation of the State of the National Debt, the Sinking Fund, and the Public Credit.] The Courtiers having carried their point so far, it was moved, and resolved, *nem. con.* "That an humble Representation be made to his Majesty upon the said Resolutions, and upon the debate of the House; laying before his Majesty a particular Account of the National Debts discharged and incurred since the 25th day of December, 1716, distinguished under their proper Heads and Services; with a State of the Sinking Fund, and of the Public Credit," and a Committee was appointed to draw up the said Representation.

Debate concerning the Omission of an Article of 300,000*l.* *in the Account of the Public*

army debentures, and such deficiencies as have been provided for, are strictly speaking, debts contracted before 1716. I shall be very glad to see this clearly determined, for it will stop the clamours of those who have all along been asserting that we run in debt continually; and that our Sinking Fund does not suffice to pay exceedings annually contracted; with other such general accusations, that, like throwing of dirt at random, stick with many." George Tilson to the earl of Waldegrave: Coxe's Walpole.

* "The Opposition, recollecting their former defeat by a large majority, and seeing that the House wholly differed from their representations, did not lay their wonted stress on the main question, but loudly called again upon the minister for an account of the sum lately employed in secret service. To these clamours Walpole made the usual reply, that it had been expended in negotiations too delicate to be specified. In the midst of his speech, an account was transmitted by lord Townshend, that the convention with Spain was signed at the Pardo. Walpole availed himself of this information; and acquainting the House with the news, added, "That the nation would be now relieved from the burthen of the late expences, and that he could assure the members who called so loudly for a specification of the secret service money, that it had been expended in obtaining the conclusion of that peace, the preliminaries of which were now signed. The designs of those (he said) who had laboured to disturb the tranquillity of Europe, were thus defeated; and the purchase of peace, and the prevention of war, on terms so cheap, were highly beneficial to the public." This information spread general satisfaction through the House; the question was instantaneously called for, and the resolutions passed without a division." Coxe's Walpole.

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Debts.] April 5, The House was informed, that an Article relating to the Duty upon Wrought-Plate, which amounted to 500,000*l.* was omitted to be inserted in the Account of all the Public Debts, at the receipt of his Majesty's Exchequer, standing out at Christmas, 1727, with the annual Interest paid for the same: Hereupon it was ordered, "That Mr. Chocke have leave to withdraw the said Account; and that he do present to the House a perfect Account of all the public Debts, at the Receipt of his Majesty's Exchequer, standing out at Christmas 1727, with the annual Interest paid for the same."

This extraordinary omission, however, occasioned a great complaint and Debate, wherein severe reflections were made on the neglect and carelessness, with which the Public Accounts, laid before the House, were drawn up, and thereupon it was moved, "That in order to prevent the same for the future, all Accounts, to be delivered to this House from the Exchequer, be signed by the Auditor of the Exchequer, or the Clerk of the Pells, or by their lawful Deputies, or chief clerks, or one of them." But the question being put upon the said motion it was carried in the negative.

THE COMMONS' REPRESENTATION TO THE KING OF THE STATE OF THE NATIONAL DEBT, THE SINKING FUND, AND THE PUBLIC CREDIT.] April 8. Sir William Yonge reported from the Committee, appointed to draw up a Representation to be made to his Majesty, upon the Resolutions of the House, the 12th of March last, and upon the Debate of the House laying before his Majesty a particular Account of the National Debts, discharged, and incurred, since the 25th day of December 1716, distinguishing under their proper Heads and Services, with a State of the Sinking Fund, and of the Public Credit; that they had drawn up a Representation accordingly, which they had directed him to report to the House: and he read the same in his place, and afterwards delivered it in at the clerk's table; where the same was twice read, and amended, and is as follows; viz.

"Most Gracious Sovereign;

"Your Majesty's most dutiful and faithful subjects, the Commons of Great Britain, in Parliament assembled, having, in duty to your Majesty, for the sake of truth, and for the better information and satisfaction of all your good people, taken into their consideration the State of the National Debt, in regard to what debts have been discharged and paid off, since the establishment of the Sinking Fund for that purpose, and what new debts have, within the said time, been contracted and incurred, beg leave, with all duty and submission, to lay the same before your Majesty in this our most humble Representation.

"The National Debt of this kingdom contracted in carrying on two long and expensive wars, before the happy accession of your Majesty's late royal father to the crown of these realms, as it was a matter of the last consequence to the nation, was become the care and concern of all, who wished well to our present and future prosperity. This produced several considerations in Parliament, to find out, and settle some means of putting this great Debt into a method of being gradually reduced and diminished; and the Sinking Fund was at last happily established, to general satisfaction. This Fund became immediately the favourite article in all parliamentary considerations, relating to the public revenues, and was considered as a national interest, worthy of the highest regard and attention; which was, by all possible means, to be cherished and improved, and the produce of it set apart, and kept distinct, from all other services and purposes, and was appropriated by Parliament, to pay off and discharge national debts, incurred before the 25th day of December, 1716.

"Hence arose that distinction in the Public Revenues, which has ever since been so far continued, and kept up, that the nation has seemed to have two different interests; one, in the produce of the Sinking Fund, for the discharge of the National Debt, another, in the annual Supplies, granted to the crown, for carrying on the current service of the year.

"But several controversies having of late years been started, concerning what real benefit had accrued to the nation from the produce and application of the Sinking Fund, if considered and compared with new Debts, supposed to have been incurred within the same time; the Commons of Great Britain, truly sensible of the weight of this National Debt, a burthen, of itself sufficient to create some uneasiness in the minds of the people, without the help of any aggravations, or misrepresentations, thought it a duty incumbent upon them, so far to enter into the consideration of this important affair, as to examine, and state, how much of the National Debt, incurred before the 25th of December, 1716, had been actually paid off, or discharged, and what new debts had been really contracted and incurred in support of the public, and in carrying on the current service of the several years, since that time.

"It is well known, with what content and chearfulness your Majesty's subjects have all along paid and contributed towards the annual interest of this National Debt, contracted and incurred in securing to them the inestimable blessings of your Majesty's auspicious reign, and the Protestant Succession in your illustrious family, and in defence of their Religion, Liberties, and Properties, which, they always thought, could not be purchased, and preserved at too dear a rate: and, from the time they had the comfort of having a Sinking Fund settled and established, that gave them the prospect and hopes of seeing this great Debt gradually reduced, and discharged, it was a satisfaction, that rendered the burthen easy and light; and your people seemed even to forget the great expence they had been at, happy in

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the free and full enjoyment of all that was dear and valuable to them, the fruit and return of so much treasure, necessarily and usefully employed.

"Notwithstanding this flourishing State of the Public Credit, and the good effects of this happy situation, there were not wanting those, who attempted to disturb the quiet and satisfaction that almost universally prevailed in the minds of your people, by publishing and promoting, with the greatest industry, most notorious misrepresentations of the true state of our Debts, and of the provisions made for the discharge of them; and by infusing groundless jealousies and insinuations, as if the Produce of the Sinking Fund had been but little and inconsiderable, or that, by wrong and imprudent measures, bad œconomy, neglect, or mismanagement, unnecessary expences had been made, and new Debts contracted, that not only equalled, but exceeded by several millions the amount of the whole Debts, that had been discharged.

"These artful insinuations and misrepresentations served to a double purpose, to make our fellow-subjects restless and uneasy under their present difficulties, by persuading them, they were endless, and inextricable; and, at the same time, so apprehensive of new engagements, that they might be prepared rather to suffer all sorts of insults and injuries, than, by endeavouring to do themselves justice, to enter into new expences, every where represented as destructive, and intolerable.

"This prevailing Mischief called for an immediate Remedy, and made it necessary to enter into a strict disquisition of the truth and certainty of these affairs, that your Majesty might be truly informed, and your faithful and well-affected subjects have the satisfaction to see, how grossly the world had been imposed upon by these groundless misrepresentations; and that your enemies might be convinced, that the wealth and power of Great Britain is not so exhausted, as to render this nation, under your Majesty's happy government, less considerable and formidable, than in the time of any of your royal predecessors.

"We observed, that what gave any foundation for the belief of these notorious falshoods, was, the liberty which some misinformed, or ill-designing, persons had taken from the several alterations, which had been made of late years in the shape or denomination of our Public Debts, to make and publish imaginary states of the whole of those debts, by putting fictitious values upon them, at their own will and pleasure, and from thence making balances, that might serve their purpose, but were not really true.

"But the difficulties of making up this Account in that manner, with any certainty, made us carefully avoid going into a method, which might be afterwards liable to cavil and disputes according to the humour, caprice, or private opinion, of every man.

"That we might therefore avoid, as much as possible, any doubt or perplexity, we proceeded to state the truth of this fact in a method, that was plain, obvious, and intelligible to the meanest capacity; and took an Account of the several National Debts, incurred before the 25th day of December, 1716, which, since that time, had been actually paid off, or discharged, and also an Account of the several National Debts, that since that time, had been contracted or incurred, and were still subsisting; upon comparing of which together, it will appear, whether the National Debt is, since the establishment of the Sinking Fund, increased, or decreased, and to what amount.

"Having now gone through this enquiry with as much care and exactness, as was possible, we beg leave, in the most dutiful manner, to lay before your Majesty two Accounts, the first containing the several particular Articles of National Debts, incurred before the 25th day of December 1716, and since discharged; which is as followeth:

AN ACCOUNT OF SUCH NATIONAL DEBTS, INCURRED BEFORE THE 25TH OF DECEMBER, 1716, AS HAVE BEEN SINCE DISCHARGED, VIZ.

	£.	s.	d.	Debts discharged. £.	s.	d.
The capital Sum of the Lottery Annuities, established by the Act 3 Geo. 1, which creates the General Fund, and also the Sinking Fund, was	9,534,357	13	11¼			
Of which there was subscribed into South Sea Stock	8,329,571	10	7			
The remainder, paid off, is				1,204,786	3	4¼
Annuities at 5*l.* per cent. redeemable by Parliament, and transferrable at the Bank of England, were granted by an Act 1 Geo. 1. for	910,000	0	0			
Of which there was subscribed into South Sea Stock	706,175	15	0			
The remainder, paid off, is				203,824	5	0
Other Annuities of the same kind, were granted same year for	169,000	0	0			
Of which there were subscribed into South Sea Stock	137,526	6	8			
The remainder, paid off, is				31,473	13	4

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			Debts discharged.
Annuities at 4*l.* per cent. redeemable by Parliament, and transferrable at the Bank of England, were created for Tallies of Sol, Act 3 Geo. 1. for	947,514 7 8		
Of which there was subscribed into South Sea Stock	748,555 19 5		
The remainder, paid off, is			198,958 8 3
The like Annuities were granted by sundry Acts, for Army Debentures, certified before the 21st of March, 1719, for	1,603,987 8 1½		
Of which there was subscribed into South Sea Stock	1,210,792 13 8		
The remainder, paid off, is			393,194 14 5½
The principal Sum remaining due at Christmas, 1716, on Lottery, 1713, was	599,210 0 0		
Of which there was subscribed into South Sea Stock	464,990 0 0		
The remainder, paid off, is			134,220 0 0
The like on Lottery, anno 1714	1,812,100 0 0		
Of which there was subscribed into South Sea Stock	1,403,970 0 0		
The remainder, paid off, is			408,130 0 0
The Exchequer Orders, for Army Debentures, certified since the 21st March, 1719, are all paid off, being			548,939 12 6½
The deficiency of the Duty on Hops, anno 1711, which was directed by Act of Parliament to be paid off, was			12,480 9 1
The like of the East India Company's Fund stated to Christmas, 1716, and paid out of Sinking Fund, was			79,339 17 5
The 3 per cent. Annuities in the Million Lottery, which were returned as Cash into the Exchequer, and which were, by an Act 13 Geo. 1, applied to discharge Nevis Debentures, were			103,272 10 0
The principal Sum standing out in Exchequer Bills on 25th December, 1716, was	4,561,025 0 0		
Interest and Premium due thereon	35,159 15 7½		
Total Debt in Exchequer Bills	4,596,184 15 7½		
Of which Two Millions were converted into a Bank Annuity, at 5*l.* per cent. by the Act 3 Geo. 1. so deduct that 2,000,000*l.*			
And, towards discharging the rest of these Bills, 500,000*l.* was raised by a Lottery anno 1719, and charged on the Aggregate Fund, of which 441,700*l.* was afterwards subscribed into, and still remains part of the South Sea Stock, and the remaining 58,300*l.* has been since paid off; so deduct only 441,700*l.*			
Total of these Deductions	2,441,700 0 0		
The remainder is the net Debt on this head, that is paid off			2,154,484 15 7½
The Duty on Coals, for building of Churches, &c. was granted before 1716, for several terms of years to expire at Michaelmas, 1725, and the whole produce of that Duty was appropriated for those Services, which may be estimated as a Debt at 1716, of	540,000 0 0		
Anno 1719, 360,000*l.* was granted for these Services, to be raised on a Fund of 21,000*l.* per annum, for 32 years, in lieu of the provision by the former terms, and of that 360,000*l.* there remains undischarged, but	193,140 0 0		
The remainder may be estimated so much Debt discharged			346,860 0 0
The Debt of the Navy, as it stood on the 31st December, 1716, deducting the effects in the Treasurer's hands, was	1,043,336 15 9¼		
Deduct thereout the Sum then unissued on this head of the Supplies anno 1716, afterwards provided for by 4*l.* per cent. annuities, part of the Tallies of Sol, subscribed into, and still remaining in South Sea Stock	334,339 16 1½		
The remainder is the net Debt of the Navy at 1716			709,096 19 8¾

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	Debts discharged.		
29,925*l.* 4*s.* 1*d.* per annum of the short Annuities remaining unsubscribed into South Sea Stock, which being valued at 14 years purchase, the rate at which they were subscribed into South Sea Stock anno 1720, makes a Debt at 1716, of	418,952	17	2
Deduct the present value of these Annuities, in which there were but 14 years 3 quarters to come at Christmas, 1727, at 10 years purchase	299,252	0	10
The remainder is so much Debt discharged			119,700 16 4
Total Debts discharged			6,648,762 5 1½

"In the stating of which Account, we leave humbly to represent to your Majesty, that the Articles, stated therein by way of Estimate, are the Interest and premium, said to be due on the Exchequer Bills, the Debt for the building of Churches, and the value of the difference in the terms for the short annuities; which Articles are so small in respect of the whole, that any alteration in those estimated values would make no material difference in the real increase or decrease of the whole debt.

"We beg leave further humbly to represent to your Majesty, that all the Articles in this Account are stated as the Debts stood on the 25th of December, 1716, except the first Article of the Lottery Annuities, which is stated at the sum, that was made principal at Michaelmas, 1717, by the act that established the General Fund, and also the Sinking Fund, from which time only the Sinking Fund commenced; for which reason, no credit is taken in this Account for any principal money, paid off in part of the four Lotteries, comprehended in that sum between Christmas, 1716, and Michaelmas, 1717; nor is any thing charged therein for the deficiencies of funds standing out at Christmas, 1716, and unprovided for, although the deficiencies of three of those Lottery funds only amounted at Lady-day, 1717, to above 270,000*l.*; so that notwithstanding, upon the subscription of those Lotteries into redeemable annuities, one quarter's interest due thereon between Midsummer and Michaelmas, 1717, was made principal, amounting to 140,884*l.* 6*s.* 3½*d.* or thereabouts, yet the same was much short of the deficiencies then incurred on those funds, and therefore properly charged amongst the Debts incurred before the 25th of December, 1716.

"And we think it proper further to observe upon the Article of the Short Annuities remaining unsubscribed, which are stated at 29,925*l.* 4*s.* 1*d.* per annum, that it appears, the real sum did amount to but 24,335*l.* 17*s.* per annum; which mistake did arise by a misrecital in the act, of the sixth year of your Majesty's late royal father; which difference, being valued at the same rate, that the whole annuities are herein valued at, makes a difference of 22,357*l.* 8*s* 4*d.* to be deducted out of the total sum of the Debts discharged.

"The next Account, which is most humbly submitted to your Majesty's consideration, contains the several particular Articles of Debts, contracted and incurred since the 25th of December, 1716, and now subsisting, which is, as followeth:

AN ACCOUNT OF NATIONAL DEBTS, CONTRACTED AND INCURRED SINCE THE 25TH OF DECEMBER, 1716, AND NOW SUBSISTING:

	£	s.	d.	
By South Sea Stock, for so much of the Money agreed to be advanced by the South Sea Company on the subscription of the Lottery, 1710, as was recouped or deducted by them, pursuant to the Act 5 Geo. 1, for making good the deficiency of their original and additional funds; viz.				
For the Deficiency of their original Fund for two quarters, ending at Midsummer 1719	141,547	19	1½	
For ditto for one quarter at Christmas, 1719	14,846	18	8	
For the Deficiency of their additional Fund for two quarters, ending at Midsummer, 1719	25,831	4	10	
	182,226	2	7½	
By so much of the 5*l.* per cent. Annuities (created by virtue of a clause in the Land Tax Act 5 Geo. 1, for replacing to the Treasurer of the Navy the Sum he had issued to the South Sea Company, for making good the Deficiency of their original Fund at Midsummer, 1718) as was subscribed into South Sea Stock, the Remainder being paid off	107,802	17	4½	
Total Debts contracted, for making good the Deficiences of the South Sea Company's Funds				290,029 0 ●

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By South Sea Stock, for so much of the Money, agreed to be advanced by the South Sea Company on the subscription of Lottery 1710, pursuant to the Act 5 Geo. 1, as was paid by them into the Exchequer, and applied to the Sinking Fund					328,673	4 10½
By Annuities at 4*l.* per cent. redeemable by Parliament, charged on the Duty on wrought Plate by the Act 6 Geo. 1					312,000	0 0
By the Benefit Tickets in Lottery 1719, charged on the Duty on Coals 5 Geo. 1, for	500,000	0	0			
Of which there has been paid off	65,395	0	0			
The Remainder was subscribed into South Sea Stock					434,605	0 0
By Exchequer Bills standing out and charged on the Duty on Victuallers by the Act 12 Geo. 1					486,600	0 0
By the like Exchequer Bills, charged on Surplus of Coals 13 Geo. 1					338,800	0 0
By the Debt of the Navy as it stood on the 31st December, 1727, deducting the effects then stated to be in the hands of the Treasurers	1,937,023	4	9¼			
Deduct the sum then unissued to the Treasurer of the Navy, of the Supplies Anno 1727, which has been since issued to him	199,742	2	6			
The Remainder is the net Debt on this head					1,737,281	2 3¼
Total of these Debts					3,927,288	7 1¼

"From these two Accounts, we presume most humbly to represent to your Majesty, that the several National Debts, incurred before the 25th day of December 1716, which have been since discharged, after deducting the before-mentioned sum of 22,357*l.* 8*s.* 4*d.* do amount in the whole to the sum of 6,626,404*l.* 16*s.* 9½*d.*; and that the several National Debts, incurred since the said 25th day of December, 1716, and now subsisting, amount together to the sum of 3,927,988*l.* 7*s.* 1¼*d.*

"Which being deducted out of the amount of the Debts discharged, the difference is so much real decrease of the national debt since 25th December, 1716, being 2,698,416*l.* 9*s.* 7½*d.*

"And, that the State of the new-contracted Debts may appear in a true light, we think it necessary, for the better information of your Majesty, to distinguish them under the proper Heads of Services, for which they were contracted, and, by way of explanation, to observe, that a considerable part of the new-contracted Debt, amounting to the sum of 703,740*l.* 6*s.* 2½*d.* was occasioned by the annual provisions, made by parliament for making good the yearly deficiencies of the General Fund to and for the year ending at Michaelmas, 1726, pursuant to the directions of the Act establishing the General Fund, the surplus whereof composes part of the Sinking Fund; and by these means the Sinking Fund has received annually some proportion out of the supplies of the year:

"And, that the further sum of 290,029*l.* has been raised by new-contracted Debts, and is included therein, for making good at several times the deficiencies of the original and additional funds of the South Sea Company, which two sums, amounting together to the sum of 993,769*l.* 6*s.* 2½*d.* having been applied towards making good deficiencies of the General Fund, and other funds, established before the 25th day of December, 1716, ought to be distinguished from the National Debt incurred since that time:

"As likewise the sum of 328,673*l.* 4*s.* 10½*d.* another part of the said new contracted Debts, which was occasioned by stock created for so much of the money to be advanced by the South Sea Company, upon the enlargement of their capital stock by the subscription of the tickets in the Lottery Anno 1710, pursuant to an Act, of the 5th year of the reign of your Majesty's late royal father, as was paid into the Exchequer; and, as the same was applied to the uses of the Sinking Fund, and no part of it to any other public services, this sum ought also to be distinguished from the rest of the Debts, contracted since the establishment of the Sinking Fund: which three sums making together the sum of 1,322,442*l.* 11*s.* 1*d.* and being deducted out of the said sum of 3,927,988*l.* 7*s.* 1¼*d.* the remaining sum of 2,605,545*l.* 16*s.* 0¼*d.* is the whole National Debt, that has been contracted or incurred, for answering or defraying the annual charges and expences of the public for the current service of the several years since the 25th day of December, 1716, including therein the whole debt of the navy, as it stood on the 31st day of December, 1727.

"And further, to obviate any objections, that may be made to the stating of the account of National Debts, contracted and incurred since the 25th of December, 1716, and still subsisting, it is proper to observe, that no notice is taken therein of the Debts by Loans, or Exchequer Bills on the annual Land Taxes, or Malt Duties; because, as those loans, or bills, are weekly discharged out of the produce of

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those taxes, and as often as any deficiencies happen thereon, they, as well as the deficiencies of grants, are not suffered to remain as Debts, but are constantly, from year to year, discharged, by being made part of the supplies, granted for the current service of the subsequent years; and accordingly provision has been already made for such of them as can be any ways ascertained, out of the supplies for the service of the year 1728; therefore they were not proper to be brought into this Account.

"Having thus humbly represented to your Majesty the true state of the Decrease of the National Debts since the 25th day of December, 1716, and the establishment of the Sinking Fund, with the occasions and services for which the several New Debts have been incurred, we beg leave, by this our humble Representation, to lay before your Majesty the circumstances this nation was in, with regard to the National Debt, before the establishment of the Sinking Fund, and what happy consequences have arisen from the establishment thereof.

"At the Accession of your Majesty's late royal father to the throne of these realms, a great part of the Public Debts consisted of absolute Annuities, granted for very long terms of years, which were only to be discharged by the wearing out of those terms; other great parts thereof were the capital Stocks of the Bank, the South Sea and India Companies, at very high interest; other Debts were charged upon particular funds, appropriated to pay off and discharge the principal monies, with interest, at very high rates, in course, to multitudes of people both at home and abroad; other great parts thereof were in Exchequer Bills, circulated and exchanged at very high rates for interest, premium, and charges; and the Debts of the Army, which were very considerable, were not then liquidated, nor had any provision at all then been made for the discharge of them: Besides this, the funds themselves, appropriated for these Debts, were most of them deficient; so that, if these debts had been suffered to continue in this state, so far would they have been from being lessened to any degree, that new burthens must have been laid on the nation, for securing the Debts unprovided for.

"Soon after his late Majesty's Accession, an unnatural rebellion broke out, during which, not only all thoughts for any method for the more speedy payment of our Debts were of necessity suspended, but new and heavy debts were contracted; and in the year 1715 annuities, at 5*l.* per cent. redeemable by parliament, were sold for 1,079,000*l.* besides a considerable addition to the capital stock of the South Sea Company.

"But no sooner was that Rebellion defeated, and the fears of the people removed, but the parliament immediately began to set about the great work of putting the National Debt in a method of being sooner discharged with honour and justice: and, in the year 1717, the foundation was laid, by establishing the Sinking Fund; the consequences and advantages whereof will best appear, by considering, what it is, and by what means it was perfected.

"The only methods, that could be thought of, for paying off the National Debts, must be, either by improving and augmenting the produce of the Funds, already settled for the payment of the principal and interest, or by granting new taxes and impositions upon the people, or by a reduction of the interest, made payable on the several debts; and, as the first method would have been found not sufficient to answer this desirable end, and the second would have been very grievous and burthensome to the people, the principal method, that was then thought expedient, and most free from objections, was to reduce the high interest, and other charges, payable on all the public Debts. But, as great part of those Debts were not subject to any power of Redemption, and as none of them were redeemable, but on payment of the principal money, it manifestly appeared, that such reduction could never be made, without the voluntary consent of the proprietors of such, as were irredeemable, or a legal tender to the others of their principal money; both which seemed at that time almost impracticable; but, by an extraordinary zeal and application to the public service, this difficulty was surmounted, with respect to the whole of the Debts, that were then redeemable, by procuring, not only the voluntary consent of the South Sea Company to the reduction of the interest on their whole capital stock, then consisting of ten millions, from 6*l.* to 5*l.* per cent. and of the Bank to a like reduction on an annuity, then payable to them in respect of a sum of upwards of 1,775,000*l.* and to a great abatement in their allowances for circulating Exchequer Bills, then amounting to more than 1,500,000*l.* at an annual charge of above 7*l.* per cent. but also by engaging those corporations to furnish sufficient sums for paying the principal money to such of the proprietors of other redeemable debts, amounting to more than nine millions, as would not voluntarily choose to accept an interest at 5*l.* per cent. for the future.

"This provision being made, the Act passed in the 3rd year of his late Majesty's reign, for establishing the General Fund; whereby the proprietors of certain debts therein mentioned, all carrying an interest at 6*l.* per cent. had their free election, either to accept an interest at 5*l.* per cent. per annum, or to receive their principal money; and so general was the satisfaction of all the proprietors, that few and very inconsiderable sums were demanded to be paid off; but the principal sums, that were voluntarily reduced to 5*l.* per cent. amounted to 9,932,311*l.* 4*s.* 2½*d.* or thereabouts; and by this method more than 25,800,000*l.* was at once voluntarily reduced from 6*l.* per cent. or upwards, to 5*l.* per cent. which was an annual saving of above 320,000*l.*

"By the same Act, not only the surplus of

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this General Fund, but the surplusses of several other funds, were appropriated to the discharge of national debts, contracted before the 25th of December, 1716: and this was the beginning and establishment of the Sinking Fund.

"From this happy event arose such general satisfaction in all degrees of people, that, though the interest of the Public Debts was reduced, and the proprietors received a less income from them than before, yet their security for their capital being so much mended, the rate or price for the purchase of these debts soon advanced to a much higher value, than they were at before the reduction; and it was easy to foresee, that, in process of time, a further reduction might have been made by the same just and honourable methods, without any extraordinary advantages to be granted for the effecting it.

"Had this method (begun and executed so successfully, and with such satisfaction) been further pursued, and without interruption, the dangerous and mischievous part of the late South Sea Scheme might have been avoided: and yet the further reduction of interest might have been obtained, and taken place, much sooner than it was done by the execution of that scheme.

"But now, at length, not only the reduction from 5*l.* to 4*l.* per cent. settled by the South Sea Act, has taken place, but a voluntary reduction hath also been made, by the Bank of England, from 5*l.* to 4*l.* per cent. interest or annuities, for two principal sums belonging to them, amounting together to upwards of 3,775,000*l.* and by these several reductions a further addition is made to the Sinking Fund of more than 377,000*l.* per annum, from Midsummer last: by all these means, and by the savings of interest of the debts that have been already discharged, and by several wise provisions for the improvement of the funds themselves, this Sinking Fund is risen to, and may be reasonably estimated at 1,200,000*l.* per ann. or thereabouts; and will be every year increasing from the further savings of the interest of the remaining debts, from time to time, as they shall be paid off.

"But, if any thing were further necessary to demonstrate the immediate and certain advantages, that have accrued to the public from the methods used and established to discharge the National Debts, it is sufficient only to reflect, that the interest of the greatest part of the debt, being now actually reduced from 6*l.* to 4*l.* per cent. makes a saving of one-third of the interest of such debt; which, being in the hands and possession of the government, and applicable from time to time, to the discharge of the principal, makes a gain and profit to the public, equal to the discharge of one-third of such principal.

"And, if the amount of the produce of the Sinking Fund did appear originally to be about 400,000*l.* per annum only, the produce of the said fund being now raised to about 1,200,000*l.* per annum, the addition of 800,000*l.* per annum to the Sinking Fund, which is just so much gained by the public, if valued at 25 years purchase, at which rate all annuities are now currently sold, makes a real profit to the public, amounting to twenty millions.

"This is the happy state of the Sinking Fund, taken separately and by itself; but, if we cast our eyes upon the state of our Public Credit in general, it must be an additional satisfaction to us, that, by preserving the public faith inviolable, by the discharge of the old Exchequer Bills, and the reduction of the high interest on all our Standing Debts, the whole credit that is taken on the annual funds, for carrying on the current service of the year, is and may be supplied for the future at 3*l.* per cent. or less, for interest, premium and charges, by Exchequer Bills, created just as the occasions of the public require, without any loans, or being obliged to any persons for money to be advanced or lent on the credit of them; and so far is the public from being under the former necessities of allowing extravagant interest, premiums or discounts, for any money they want, that the only contest now among the creditors of the public is, that every one of them desires to be the last in course of payment.

"Permit us then, most gracious Sovereign, to congratulate your Majesty on the comfortable prospect we have now before us, if, notwithstanding the many difficulties this nation has laboured under since the happy accession of your Majesty's late royal father to the throne, notwithstanding the unnatural Rebellion which soon after broke out, and the many heinous Plots and Conspiracies which have since been formed and carried on for overturning the Religion and Liberties of our country, and the Protestant Succession in your most illustrious family, the many disturbances which have arisen, and the uncertain and embroiled condition of the affairs of Europe, not a little fomented and encouraged by the false intelligence, and malicious insinuations, which have been industriously spread abroad by your Majesty's and our enemies, of the uneasy and perplexed state of our affairs at home, as if that had rendered it almost impossible for this nation, effectually to exert themselves in defence of their own just rights and possessions, and for establishing and securing the public peace and tranquillity; if, notwithstanding these and many other difficulties which we laboured under, and while the Sinking Fund was yet in its infancy, and so much less than it now is, we have been able to diminish the National Debts so much already, what may we not hope for in regard to a more speedy and sensible discharge of them for the future, now the Sinking Fund is so greatly increased, and our Public Credit in so flourishing a condition?

"The finishing and perfecting this great work seems to be a peculiar glory reserved for your Majesty's reign. From your known goodness and wisdom, the present age may promise themselves the certain and immediate benefit of your Majesty's particular regard to the Pub-

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lic Credit, and your universal care and concern for the ease and happiness of your people, which our latest posterity must remember, and acknowledge with duty and gratitude." *

A motion being made, and the question being put, That the House do agree with the Committee in the said Representation; the House divided: Ayes, 243. Noes, 77.—So it was resolved in the affirmative.

Resolved, That the said Representation be presented to his Majesty by the whole House.

Ordered, That such members of this House, as are of his Majesty's most honourable Privy Council, do humbly know his Majesty's pleasure, when he will be attended by this House.

The King's Answer to the said Representation.] April 10. The House presented to the King the said Representation, and on the 11th Mr. Speaker reported to the House his Majesty's Answer thereto as follows:

"Gentlemen;

"I cannot but be very well pleased with this Representation, which must give general satisfaction to all my people, by removing those groundless jealousies and apprehensions, which have been propagated and dispersed throughout the kingdom.

"The happy effects of the flourishing state of the Public Credit are too sensibly felt and seen, not to be confessed and acknowledged by every body.

"The provision made for gradually discharging the National Debt is now become so certain and considerable, that nothing, but some unforeseeh event, can alter or diminish it; which gives us the fairest prospect of seeing the Old Debts discharged, without any necessity of incurring new.

"And you may be assured, that it shall be my particular care and study to maintain and preserve the Public Credit; to improve the Sinking Fund; and to avoid all occasions of laying any new burthens upon my people."

The King's Message for a Vote of Credit.] May 6. Sir Paul Methuen delivered to the House a Message signed by his Majesty, which was read by Mr. Speaker, as follows, viz.

"George R.

"His Majesty being under some Engagements, entered into, and concerted with the advice and concurrence of the last parliament, for securing the Trade and Navigation of this kingdom, and for restoring and preserving the peace of Europe; and having been enabled to answer and defray the charges and expences thereof, as far as they have hitherto become due and payable, and there being still wanting a sum not very considerable, to perfect and fulfil these obligations, relying upon the duty and affection of his Commons, hopes they will enable him to discharge such engagements, as still remain unsatisfied upon this head of service."

The consideration of this Message was put off to the next day.

Debate thereon.] May 7. The House took into consideration his Majesty's Message, and after some debate, it was at last resolved, by 237 voices against 101, "That an humble Address be presented to his Majesty, to declare the duty and fidelity of this House to his Majesty, and the entire confidence which they repose in his royal care of, and goodness to, his people; and to assure his Majesty, that this House will enable his Majesty to answer and defray the charges and expences, that still remain unsatisfied, of the Engagements entered into and concerted, for securing the Trade and Navigation of this kingdom, and for restoring and preserving the peace of Europe.

The King's Answer thereto.] May 8. The Commons presented the said Address to his Majesty, who returned the following Answer:

"Gentlemen;

"I return you my Thanks for this very dutiful and affectionate Address; and you may be assured that the confidence you repose in me,

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* "Notwithstanding the great superiority of numbers which the minister had in the House, yet he very wisely considered, that unless his credit without doors as well as within, was established, his power must be precarious, or at best uneasy, if not dangerous to himself, not to mention the impression which a general dissatisfaction might make upon the mind of his royal master. He knew his enemies were in possession of the press, that most powerful of all batteries against government, and that they had, with great success, propagated amongst the people a notion that the Sinking Fund, that sacred deposit for paying off the National Debt, had been of no service to the purpose for which it was originally intended. They had pretended to prove this by numbers, and laborious calculations, which the people in general were obliged to take upon trust, because they did not understand them; and the effect which those writings had produced, were by no means favourable to the administration. The minister, in order at once to destroy or to rectify all prepossessions and mistakes in so capital a consideration, made his appeal, and that in the most solemn manner, to the tribunal of Majesty itself. This was the true intention of the Representation which had been voted to be presented to the King concerning the National Debt." Tindal.

"The effects of the Representation both at home and abroad, were incalculably beneficial to the credit of the minister. Whatever were the opinions of individuals, whatever might be the cavils of those who opposed government, the statement of the minister was approved by more than two thirds of the national representatives, assembled in parliament, and was solemnly sanctioned by the King. At home the discontents visibly subsided; abroad the national credit was established on stronger grounds than ever." Coxe's Walpole.

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shall be employed for the public good, and support of the common cause."

Mr. W. Pulteney's Motion for an Account of Grants of Timber from the Crown.] May 17. A motion being made, "That an humble Address be presented to his Majesty, that he would be graciously pleased to give directions, that the proper officer do lay before this House an Account of the Sale of Woods, and Grants of the Falls of Woods, by his late Majesty, from Christmas, 1715, to June 1, 1727, and how the same have been accounted for:" It occasioned a warm debate, wherein

Mr. *William Pulteney* urged, That through the connivance of some men in favour with our late most gracious King, his Majesty's goodness had been abused in several grants of considerable falls of woods, to the great detriment and waste of the royal forests, at a time when the nation stood in so great need of Timber, for the repairing and building of ships; and therefore he thought it very proper for the House to inquire by what means the said Grants came to be obtained. He was answered by

Sir *Robert Walpole*, who represented, That such an inquiry might be injurious to the memory of some dead, and after all, prove altogether unprofitable to the living.

Then the previous question being put, That the question be now put, it passed in the negative.

The King's Speech at the Close of the Session.] May 28. The King came to the House of Peers,* and the Commons attending, his Majesty made the following Speech to both Houses:

"My Lords and Gentlemen;

"The dispatch you have given to the public business, and the advanced season of the year, make it proper for me to put an end to this session of parliament.

"The zeal and unanimity which you have shewn in all your proceedings, in regard to the true interest of your country, and in support of the common cause, have fully answered my expectations, and will, I am persuaded, give general satisfaction here at home, and cannot fail of having their due weight and influence abroad.

"I expect very soon to hear that the Congress is opened. The Preliminary Articles having laid so good a foundation for a general pacification, I hope all parties will bring with them such favourable dispositions for finishing and perfecting this desirable work, that we shall soon see a happy conclusion of this important transaction, with that satisfaction to me and my Allies, which may reasonably be expected from the justice of our cause, and the mutual confidence which is established among us.

"Gentlemen of the House of Commons;

"I return you my Thanks for the effectual Supplies you have raised for the service of the year. The prudent application you have made of the produce of the Sinking Fund will contribute to the support of the Public Credit; and the power you have given me of borrowing 500,000*l.* for the discharge of the Seamen's Wages, will meet with universal approbation.

"My Lords and Gentlemen;

"It is unnecessary for me to recommend, in any particular manner, to your care, the preservation of the public peace in your several stations and countries: your own inclinations will naturally lead you, by a due execution of the laws, and a faithful administration of justice, to promote upon all occasions the welfare and prosperity of my people."

Then the Lord Chancellor prorogued the Parliament to the 8th of August: It was afterwards further prorogued to the 21st of January 1729.

SECOND SESSION
OF THE
SEVENTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on Opening of the Session.] January 21, 1729. The Parliament being met at Westminster, the King came to the House of Peers, and the Commons being also come thither, his Majesty made the following Speech to both Houses:

"My Lords and Gentlemen;

"I am sensible you are met together in expectation of being informed of the present situation of public affairs; and of receiving that satisfaction which the expences already made, and the apprehension of their being continued for some longer time, make it just and reasonable for you to desire.

"The execution of the Preliminary Articles, and the opening of the Congress at Soissons, laid a foundation for you to entertain hopes of seeing, very soon, the happy fruits and effects of a general pacification.

"But the various and extensive views, which fell under consideration, in settling and reconciling the different interests and pretensions of so many different powers, appeared to be a work of so much time and difficulty, that the project of a Provisional Treaty was thought of as a proper expedient; which being concerted and negotiated among the ministers of the principal powers, parties to the Treaties of Hanover and Vienna, was approved of by me and my allies, not without reasonable hopes of the concurrence of the Imperial Court and the Court of Madrid.

"But no definitive Answer being yet returned by either of them, nor the Project of the Provisional Treaty either accepted, or rejected, the fate of Europe is still held in suspence, la-

* The Order against the Admission of Strangers into the House of Lords was so strictly observed during this session, that no account of their lordships' Speeches or Debates was published, as usual, after the recess.

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bouring under difficulties that unavoidably attend such a doubtful and undetermined condition.

"It is with no small concern, that I am again obliged to speak to my Parliament in this state of uncertainty; nor am I insensible of the burthens which my subjects bear, and that in our present circumstances some may be be induced to think, that an actual war is preferable to such a doubtful and imperfect peace. But as the exchange is very easy to be made at any time; and as I am confident I shall not be thought backward in doing myself and the nation justice, when a proper occasion calls upon me for it, I hope you will believe, that a just regard for the ease and interest of my people alone prevailed upon me, rather to suffer some temporary inconveniencies, with the daily prospect of obtaining a safe and honourable Peace; than too precipitately to kindle a War in Europe, and to plunge the nation into still greater and unknown expences. But how disagreeable soever these delays may be, nothing is more unjust than to impute them to the conduct of me, or my allies. No endeavours indeed have been wanting to separate and dissolve the happy union that is established among us; but long experience, and repeated proofs of mutual fidelity, have so strengthened and cemented this alliance, founded upon, and united by common interest, that all attempts to weaken it, or to create jealousies and diffidence among us, have proved as vain and fruitless, as the insinuations to the contrary are false and groundless.

"It will nevertheless be incumbent upon us to bring this important transaction to a speedy and certain decision, that if a conclusion can be put to it, consistent with the security and preservation of the rights, privileges, and possessions of Great Britain and my allies, the blessings of peace may be diffused throughout Europe, and my kingdoms again enjoy the happy effects of a settled tranquillity; or, if this cannot be had, that the allies may unite with vigour and resolution, and exert themselves in procuring that justice and satisfaction which has been so long delayed. If this should unavoidably be the case, I depend upon the zeal and affection of this Parliament, that they will cheerfully and effectually support me in carrying on a just and necessary war.

"Gentlemen of the House of Commons;

"I wished and truly hoped to have seen the public Expences lessened before this time, but the present circumstances of affairs oblige me to ask of you such Supplies as shall be necessary for answering and defraying the charge and services of the ensuing year, and for enabling me, as events may require, to act with vigour, and in concert with my allies, who have resolved to make the same preparations, and to keep on foot all their extraordinary forces: I will order the proper Estimates to be immediately prepared and laid before you. And as the produce of the Sinking Fund has exceeded our expectations, I must recommend it to your care to make a farther application of it to its proper uses.

"My Lords and Gentlemen;

"It cannot be expected that I should enter into the several causes and motives, which may have occasioned the present delays in the courts of Vienna and Madrid; but if, among other reasons, hopes given from hence of creating discontents and divisions among my subjects, and a prospect of seeing difficulties arise at home, have greatly encouraged them in their dilatory proceedings: I am persuaded, that your known affection to me, and a just regard for your own honour and the interest and security of the nation, will determine you effectually to discourage the unnatural and injurious practices of some few, who suggest the means of distressing their country, and afterwards clamour at the inconveniencies which they themselves have occasioned. It is more than probable, that foreign courts will wait now for the result of your deliberations; and as you may depend upon my constancy and steadiness, that no wicked and groundless suggestions or insinuations shall make me depart from my present purposes, so I entirely rely upon your wisdom and unanimity, to convince the world, that such pernicious designs and intrigues shall not alter that affection, harmony, and good understanding, which has hitherto subsisted, and I hope will always subsist, between me and my Parliament."

The Lords' Address of Thanks.] The Lords agreed to the following Address of Thanks:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to offer the humble and hearty Thanks of this House for your Majesty's most gracious Speech from the throne; and to congratulate your Majesty upon the safe arrival of his royal highness the prince of Wales.

"This happiness is owing to your Majesty's paternal affection, and affords the highest and most peculiar honour to this House, and a great satisfaction to all good subjects. The communicating to us the present situation of Public Affairs, the giving all the satisfaction concerning them we could reasonably desire, and the tender concern your Majesty is pleased to express for the suspence in which the affairs of Europe are still held, and the temporary inconveniences to us, which of necessity must attend it, are fresh instances how much your Majesty has at heart the welfare of your kingdoms.

"However doubtful the event of the present negotiations may prove, which your Majesty has laboured with so much prudence, in concert with your Allies, to bring to an honourable conclusion, we must with great satisfaction observe, that our present state of uncertainty will soon be determined, your Majesty having been pleased to declare your opinion, in concurrence with the most ardent desires of all your faithful subjects, that it is ne-

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cessary to insist upon a speedy and certain decision of this important transaction. This is a measure now become essential to the interest of our country, and will convince all those who have promoted those delays, or have had the high presumption to impute them to your Majesty's conduct, that the sceptre of Great Britain is in the hands of a prince as little capable of being amused as intimidated.

"We are fully sensible, that a generous and compassionate regard for the ease and happiness of your subjects could alone have prevailed upon your Majesty to be hitherto patient under these dilatory proceedings; for if this undetermined state has been detrimental to the interests of your kingdoms, and if it has laid any burthen on your people, it must necessarily have raised a high resentment in your Majesty, the guardian and father of them.

"But if, contrary to your Majesty's wishes and our own, that justice and satisfaction, so long delayed, cannot be obtained by amicable measures; if the patience of your Majesty and your Allies should be abused, and if the only way to Peace should be by an appeal to Heaven in a just and necessary War, we shall, with the greatest cheerfulness and zeal, support your Majesty in the prosecution of it, and enable you to carry it on with vigour in conjunction with your allies; we have this comfort, if a war unavoidably must happen, that it will be kindled at a time, when the reputation of the arms of Great Britain cannot suffer any diminution.

"The alliance, in which your Majesty is engaged, being founded upon common interest, and strengthened with repeated marks of mutual fidelity, will, we hope, effectually defeat the wicked designs of your enemies, who, by false and malicious insinuations, would either create a diffidence among the powers so united, or mislead your own subjects into unjust opinions of the conduct of your Majesty's Allies.

"It appears evident to us, that nothing could more encourage the courts of Vienna and Madrid in their present delays, than if hopes have been given from hence of creating discontents and divisions among us, and of a prospect of seeing difficulties arise at home: But whatever have been the various and secret machinations of some few, who, through envy or ambition may have debased themselves so far, as to act in concert with the meanest and most treacherous disturbers of the state; we hope that by their continual disappointments in their pernicious and unnatural designs, they will themselves despair of being able to bring distress upon their country, even though they should, by artifice, and the lenity of the constitution, almost daily abused, escape the infamous punishment due by the laws of the land to such crimes. We entirely depend upon your Majesty's constancy and steadiness (virtues ever inseparable from a great mind) that no wicked and groundless suggestions or insinuations will alter your present purposes, or induce your Majesty to give ear to fluctuating counsels; and we shall endeavour to convince the world, that no artful designs or intrigues shall change that affection and harmony, which has, and we are confident, ever will subsist, between your Majesty and your parliament."

The King's Answer.] To this Address his Majesty returned the following Answer:

"My Lords;

"I thank you for this dutiful and loyal Address. So seasonable an instance of your confidence in me, cannot fail of producing very good effects both at home and abroad. You may depend upon my constant endeavours to promote the ease and prosperity of my people, which is the best return I can make for your zeal and affection."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, and the Speaker having reported his Majesty's Speech, sir George Oxenden moved for an Address "To return his Majesty the Thanks of the House, for his most gracious Speech; to congratulate his Majesty upon the arrival of the Prince of Wales; to acknowledge his Majesty's goodness and wisdom, in avoiding all difficulties and delays, by concerting the most expeditious methods of concluding, with honour and justice, the negotiations depending at Soissons: to express their grateful sense of his Majesty's tender regard for the ease and interest of his people, in declining to plunge the nation into greater and unknown expences, as long as there is a prospect of obtaining a safe and honourable peace: to assure his Majesty, that this House, fully convinced, that his Majesty's own honour, and the honour of the nation, are, above all things dear and precious to him, entirely relies upon his Majesty to do himself and the nation justice, as soon as any proper occasion shall call upon him for it, and to secure the commerce of this kingdom."*

* "Nothing could be more decent than the Address proposed; but the Opposition, in order to expose the ministry to the commercial part of the nation especially, raised a debate upon a mere quibble; for they moved, that his Majesty should be addressed to 'restore' the commerce of the kingdom. Though this cavil was below criticism, yet it gave a handle for declamation upon a point which the ministry could not get over, the depredations of the Spaniards. Sir William Young was then a frequent and a ready speaker. He was obnoxious to many, how justly we cannot say, for some steps he had made in private life, and this prepossession affected the opinion of the public in his parliamentary and ministerial character. Notwithstanding this, had he been in the opposition he would have been cried up as a man of wit, parts and eloquence. In fact he was a man of good natural endowments, and though he stuck to his friend who was at the head of the admi-

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Sir George Oxenden was seconded by Mr. Walter Chetwynd, and supported by Mr. Edward Thompson, and sir William Yonge. Some Members hereupon took exception at the words to 'secure the Commerce,' instead of which they thought it more proper to say 'restore the Commerce:' And to support their opinion, took notice of the many and great losses sustained by the British merchants, by the depredations of the Spaniards, both in Europe and the West-Indies; not without reflecting on some persons, for not giving proper orders to secure our trade, to repress those insults, and to make reprisals, according to the law of nations. This occasioned a debate, upon the question, whether the word 'Secure' should stand, or whether 'Restore' should be inserted instead of it; but sir George Oxenden, Mr. Walter Chetwynd, Mr. Edward Thompson, sir William Yonge, Mr. Doddington, Mr. Horatio

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nistration, no man in the House had more true English behaviour and sentiments. It is certain that he had great volubility in speaking, which his enemies termed frothiness, but with no more justice, than as the term is applicable to any speaker, whose eagerness in supporting his friend's measures, render him a little too prolix on certain occasions. But in all other respects, sir William Young had great public and parliamentary abilities.

"When the opposition shewed themselves in earnest to support their amendment, sir William endeavoured to prove with great success, that restoring and securing commerce was a distinction without a difference; because supposing, which he did not admit, that the British commerce was ruined, it must be restored before it could be secured. Both he and Mr. Thompson of York, who, with very moderate abilities, was a perpetual advocate for the minister, and several other gentlemen, endeavoured to shew, that whatever was just in the outcry against the Spanish depredations, was in a great measure owing to the insatiable avarice of the English merchants and commanders of vessels, who carried on an illicit trade with the subjects of Spain in America, in defiance of treaties and the laws of nations, as well as to the manifest prejudice of the fair English trader.

"A Pamphlet had been wrote at this time in favour, and under the countenance, of the minister, and was supposed to be the work of a prelate, who had greatly distinguished himself, by his political writings against the Tory ministry at the latter end of queen Anne's reign. The Pamphlet was spirited and genteel, but contained some, and those capital innaccuracies, which the minister, who was, in matters of that kind, inexcusably careless, had suffered to pass uncorrected and unquestioned. As it was known however to be a pamphlet of authority, Mr. Thompson and some others of the court members ventured very injudiciously to quote it, in defence of the administration; particularly some passages, tending to vindicate the ministry in that unpopular part of their conduct, the keeping of Admiral Hosier's fleet so long inactive on the coasts of America. This, besides its being unparliamentary, gave great advantages to the opposition; for Mr. Pulteney, by exposing one glaring inconsistency in it, that of confounding the Spanish flotilla and the galleons together, turned the whole of the court writings into ridicule. Some quotations, containing abstracts from admiral Hosier's and other English sea-officers instructions, which the government had suffered to be published, were likewise represented as being unfair, because the whole of the instructions were not exhibited. Captain, afterwards admiral Vernon, made a considerable figure in this debate. Being well acquainted with the nature of the service admiral Hosier had gone upon, and having few or none in the House who could contradict him upon their own experience, he laboured to prove, that the extracts from Hosier's instructions were spurious, or if not spurious, the instructions themselves were impracticable.

"Sir Joseph Jekyl, master of the rolls, was then, occasionally, in the opposition. He was esteemed an honest, uncorrupted judge and senator; his affection for the Protestant succession was unquestionable, and his abilities both in law and equity were deemed to be considerable. He was, however, a weak politician, and a very indifferent speaker. But his character giving him weight, the opposition thought they had gained a great point in bringing him over to their side. His prepossessions in favour of the old Whig principles were so strong, that he could not with any patience bear the thoughts of England detaching herself from the house of Austria, and being linked with that of Bourbon. This was a revolution in politics, which he thought even endangered the constitution, the security of which, he said, ought to be addressed for, as well as the security of commerce. In short, the ablest speakers, both for and against the measures of the administration, exerted themselves to the utmost in this debate; but the question being put, whether the word 'secure' should stand, it was carried in the affirmative, by a majority of 249 against 87." Tindal.

"It is observable that his royal highness the Prince of Wales, to satisfy a laudable curiosity of being acquainted with the manner of proceeding in the House of Commons, was present at this remarkable debate; which being over, the lord Hartington moved, 'That a 'message be sent to his Royal Highness, to 'express the satisfaction and great joy of this 'House, at his Royal Highness's safe and hap-'py arrival in Great Britain, &c.' His lordship was seconded by the hon. col. Onslow; whereupon the said Message was unanimously voted, and these two members, with several others, were ordered to attend his Royal Highness with it." Historical Register.

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Walpole, lord Finch, lord Malpas, Mr. Talbot, sir William Strickland, sir Paul Methuen, and sir Robert Walpole, insisted on the former; and on the other hand, sir William Wyndham, Mr. William Pulteney, capt. Vernon, Mr. Shippen, sir Joseph Jekyll, Mr. Lutwyche, Mr. Sandys, and Mr. Winnington, were as strenuous for the latter; and an eminent courtier having offered to produce a pamphlet, [Intitled, "Observations on the conduct of Great-Britain, with regard to the Negociations and other Transactions abroad, 1729."] to justify the conduct of Great-Britain, with relation to the supposed inactivity of our squadrons, and the depredations committed by the Spaniards; and with that view, containing abstracts of the Instructions given to admiral Hosier, and the other Commanders of the British squadrons;

Mr. *William Pulteney* animadverted upon, and exploded that pamphlet, as made up of glaring misrepresentations of facts, inconsistencies, and contradictions. He urged, that though the Author, by his bold launching into politics, his pretending to be let into the deepest mysteries of State, and his publishing part of the Instructions given to our Admirals, would be thought to write with authority; yet it seemed very extraordinary, and highly improbable that an obscure and nameless pamphleteer should be favoured with Papers of such importance and private nature: that therefore it was more reasonable to believe, that this scribbler had surreptitiously procured these imperfect lights and lame abstracts from some of the under-clerks, which he printed with his crude and indigested observations, in order to curry favour; for that it could not be supposed, that men of so great abilities, as they who are at the head of our affairs, should not know the difference between the flotilla and galleons, or that they sailed from two ports, at a very great distance from each other. Mr. Pulteney was backed by

Capt. *Vernon*, member for Penryn, who said, 'That he would not pretend to determine, whether those scraps of Instructions published in the Pamphlet in question, were genuine or forged; but this he would venture to aver, that there were in them some things so very odd and inconsistent, as gave them a very suspicious aspect; or, if genuine, rendered them impracticable.' Hereupon

Sir *Joseph Jekyll* said, that since the courtiers so strenuously insisted on the word 'secure,' he would readily comply with them, provided a small addition was made to the Address, to put them in mind of securing the rights and liberties of the people.

At last the question being called for, and put, Whether the word 'secure,' should stand? It was carried in the affirmative, by 249 votes against 87: and a committee was appointed to draw up the said Address.

The Commons' Address of Thanks.] January 22. Sir George Oxenden reported the Address drawn up by the committee, which was agreed to, and on the following day the House presented the same to the King as follows:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave humbly to return our sincere and unfeigned thanks for your Majesty's most gracious speech from the throne.

"We congratulate your Majesty upon the safe arrival of his royal highness the prince of Wales, so much to the joy and satisfaction of your Majesty and all your people.

"We are not insensible of the various and extensive views, which must naturally arise in settling and reconciling the different interests and pretensions of so many different powers, parties to the treaties of Hanover and Vienna; and we acknowledge, with the utmost gratitude, your Majesty's great wisdom and prudence, in avoiding, as far as was possible, all occasions of difficulties and delays, by concerting the most expeditious methods of concluding, with honour and justice, the negotiations depending at Soissons.

"We have the happiness to see your Majesty indefatigable in the pursuits of the interests of your people; accommodating and composing the public differences, declining the temptation of military glory, and chusing rather to secure to your subjects their just rights and possessions, by the milder arts of moderation and forbearance, than to plunge the nation unnecessarily into infinite and unknown expences.

"But your faithful Commons are so fully convinced, that your own honour, and the honour of your kingdoms, are considerations so dear to your Majesty, and so inseparable from your royal mind, that we can, with the greatest confidence imaginable, entirely rely upon your Majesty's undoubted valour and resolution to do yourself and the nation justice, whenever a proper occasion calls upon you for it; and we cannot in the least doubt, from your Majesty's constant and due regard to the rights, privileges, and interests of your people, but that your princely care will equally extend itself to the securing our commerce, and obtaining a just satisfaction for the many and great losses sustained by your trading subjects.

"The mutual harmony and fidelity, so firmly established and subsisting between your Majesty and your Allies, cannot fail to create in your Commons the highest satisfaction; and it is with pleasure we observe, that all endeavours and attempts to separate and dissolve this happy union, of such consequence to your kingdoms, and so essential to the preserving the peace and tranquillity of Europe, have proved vain and unsuccessful.

"We beg leave to assure your Majesty, that we will, with the greatest chearfulness, raise the supplies necessary for answering and defraying the charges and expences of the ensuing year, and will not fail to make the proper disposition of the growing produce of

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the sinking fund. And if, after all your Majesty's unwearied endeavours to procure a safe and honourable peace, a rupture should become unavoidable, your Majesty may depend upon the zeal and affection of this House, effectually to support your Majesty, in carrying on a just and necessary war, and enable you to act with vigour in conjunction with your allies, as future events and the circumstances of public affairs may require.

"And as nothing can be more injurious to your Majesty's honour, and the interest and reputation of your people, than the vile and detestable practices of those, who by giving hopes of discontents, divisions and difficulties arising here at home, encourage the dilatory proceedings that have hitherto retarded the conclusion of this important transaction: We look with the utmost abhorrence upon the authors and contrivers of such base and unnatural artifices, who suggest the means of distressing their country, and clamour at the inconveniences which they themselves have occasioned. This makes it highly incumbent upon us to give your Majesty the most unfeigned assurance, that this House will, by an unshaken duty and affection to your Majesty, and by a steady perseverance in support of your government, convince the world, that no false and groundless insinuations, no wicked designs and intrigues whatsoever, shall be able to alter or diminish that harmony and good understanding between your Majesty and your parliament, which our inclination, duty, and interest call upon us inviolably to preserve."

The King's Answer.] To this Address the King returned the following Answer:

"Gentlemen,

"I thank you for this very dutiful and affectionate Address, and for the assurances you have given me of your concurrence and support in my present engagements: You may depend upon it, that the honour and interest of my people shall be my principal care and concern, in all events."

Debate in the Commons on the Number of the Land Forces.] January 31. The Commons being in a grand Committee on the Supply, a motion was made for continuing the same Number of Men for Guards and Garrisons in Great-Britain, as were provided for the year 1728, amounting to 22,955 men.

This was strongly opposed by Mr. William Pulteney, and Mr. Shippen, who urged, That a Standing Army was altogether inconsistent with our laws and constitution: that there is no instance of any regular force kept in England in time of peace, before the unfortunate reign of king Charles 1. That the Armies that were raised in former days, either to suppress intestine commotions, or for foreign service, were always disbanded immediately after those occasions were over: that the army in the time of king Charles 1 proved no less fatal and oppressive to the parliament that raised it, than to the king himself whose head they cut off: for though they were raised in defence of liberty, yet they served at last to support an usurper, and to establish an arbitrary military government: that the army king James 2 raised was the primary cause of his misfortunes, as it roused the true English spirit, and created those fears and jealousies, which his subsequent acts of power and bigotry made afterwards appear to be but too well grounded: that the nation were so sensible of the dangers they had escaped, by the seasonable coming over of a Deliverer, that one fundamental Article for the establishment of our Liberties, in the Bill of Rights, is, 'That the keeping up a standing army in time of peace, is contrary to law:' that, accordingly, after the Peace of Ryswick the greatest part of the army was disbanded; and though, upon the just fear of a new war, the parliament complimented king William with an establishment of 10,000 men, yet the same was not obtained without opposition; many honest and sober men, among the warmest sticklers for the Revolution, looking upon it as an encroachment on our liberties, and being justly apprehensive it would prove a dangerous precedent: that during the late war, our Land-Forces, together with those in our pay, amounted to above 200,000 men, the load of which still lies heavy upon us; but after the Peace of Utrecht, there was a general reduction, except about 12,000 men: that upon the late king's accession, when the Rebellion broke out in Scotland and England, the army was, indeed, augmented with several regiments, and other additional troops: but these were again reduced not long after: that in the year 1727, upon the prospect of the great dangers that were apprehended from the Treaty of Vienna, an augmentation of about 8000 men was moved for in this House; but the same was warmly opposed; nor was it granted but upon assurance that this expence should cease, as soon as the extraordinary occasion that called for it was over: that the event has shewn, that most of these dangers were ill grounded and chimerical, the court of Vienna having readily agreed to preliminaries, that have been looked upon as a sufficient foundation for a general pacification: That, at the solicitations both of the Emperor and king of France, the king of Spain being prevailed upon to come into the same measures, the Congress of Soissons was formed, in which, it seems a Provisional Treaty has been negotiated, among the ministers of the principal powers, parties to the Treaties of Hanover and Vienna, which has been approved of by his Majesty, and his Allies, not without reasonable hopes of the concurrence of the courts of Vienna and Madrid: That therefore this seemed a most proper time to retrench our annual Expences, and by using the most exact œconomy, to shew they were willing to ease the nation of the immense load of Debt that lies upon it: That besides the present Establishment of Guards and Garrisons in Great Britain, the Forces in Minorca,

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Gibraltar, and the West-Indies, we pay for 12,000 Hessian auxiliaries and subsides to the king of Sweden, and the duke of Wolfembuttle: And since, by the situation of the Public Affairs, it was apparent, that those extraordinary expences might with safety be lessened, they ought to begin with reducing, if not all, at least part of the additional Forces that were raised two years before: That his Majesty was entirely possessed of the hearts of his people, wherein his best security is; but if any thing could lessen their affections to the present happy Settlement, and make the nation jealous and apprehensive of dangers to our excellent constitution, it would be to see such numerous Forces kept up, while there was no manner of business for them either at home or abroad.

To this Mr. Walpole and Mr. Doddington answered, 'That arguments against Standing Armies drawn from antient times, were foreign and inconclusive, since, in those days, there were no regular forces kept up in any part of Europe; whereas at present, there is no kingdom nor state without them: That the supposed inconveniences and dangers from Standing Armies ought not to be of any weight, since more instances might be produced of their being beneficial than of their being hurtful; for many States, and, in particular, the Republic of Holland, owe the preservation of their liberties to their regular troops; and others have been enslaved by encroaching ambitious neighbours for want of them: That the body of Forces now on the establishment, though larger than in former times, could give no jealousy or umbrage to any reasonable Englishman; for, if it deserves the name of an army, it is but an annual and parliamentary army, under the severest and strictest discipline, and not only dependent upon, but subservient and useful to the civil power; and therefore it was no less unjust than absurd, to entertain and infuse apprehensions from such an army: That as long as the main reasons, for which our national forces were encreased, subsisted, so long, in prudence, ought that addition to be kept up. That the public affairs have now, indeed, a fairer aspect than some years ago, yet no reasonable man would have the army reduced before a peace is fully concluded: That a provisional Treaty for that purpose had been concerted at Soissons, and approved of by his Majesty and his allies; but at this project was not yet accepted, either by the court of Vienna or that of Madrid, the fate of Europe was still undetermined; and therefore to reduce our forces in such a state of uncertainty, which, of course implies danger, would be the highest piece of folly, and expose the nation to fresh insults and depredations from the Spaniards.

Then the question being put upon the motion, the following resolutions were carried without dividing. 1. "That the number of effective men to be provided for guards and garrisons in Great Britain, and for Guernsey and Jersey, for the year 1729, be, including 1,815 invalids, and 555 men, which the six Independant companies consist of, for the service of the highlands, 22,955 men, commission and non-commission officers included. 2. That the sum of 784,983*l.* 12*s.* 10*d.* be granted to his Majesty for defraying the charge of the said 22,955 effective men, for guards, garrisons, and other his Majesty's land forces in Great Britain, Guernsey and Jersey, for the year 1729."

Mr. W. Pulteney's Observations on the Public Debt.] Feb. 3. Sir George Saunders, from the commissioners of the navy, laid before the House, an Account of the Amount of the Interest-money which had been paid for Navy and Victualling Bills, from the 25th of December, 1721, to the 25th of December, 1728. This account gave occasion to

Mr. Pulteney to take notice, That notwithstanding the good œconomy that was said to be established in the management of the revenues, the public debts still increased every year; to which the Courtiers answered, That the contrary plainly appeared, from the produce of the Sinking Fund, by means whereof, the Supplies for this year would be raised, without laying any new taxes.

Hereupon it was moved, "That this House will raise the supplies necessary for the current service of this year, without creating any new debt upon any fund whatsoever:" But the question being put thereupon, it passed in the negative.

Debtors' Relief Bill.] Feb. 6. In the House of Lords the Earl of *Strafford* took notice of the hardships of Insolvent Debtors in England, which his lordship observed, was worse than in Turkey, where, if after nine months imprisonment it appeared that they were unable to satisfy their creditors; they were upon oath of delivering up their all released by law.

The earls of Aylesford and Ilay, and lord Bingley, pressed very much the hardship of imprisoning persons who are absolutely insolvent.

The Lord *Townshend* observed, that the case of many debtors was, by the unmercifulness of their creditors, worse than that of galley slaves, who are provided for and kept clean; whereas in England they are in a starving condition, and rotting in a gaol. His lordship thereupon moved, "That Lists be sent up from all the Prisons in England of the debtors under confinement, and for what time, and for what sum, which was ordered accordingly."—On the 11th of March a Report was made from the Committee appointed to consider of the Case of Debtors, with respect to the imprisonment of their persons; and the Judges were ordered to bring in a Bill thereupon.

Debate in the Commons upon the Hessian Troops.] Feb. 7. Mr. Pelham laid before the House a copy of the establishment of the Hessian Forces for the year 1729; and then, in a grand committee, the Commons considered

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the Subsidies payable to foreign princes. Mr. Pelham, sir William Yonge, and some other members, having shewn the necessity of making good his Majesty's engagements, which the Commons had made their own, by approving them;

Mr. *W. Pulteney* said thereupon, "He had so great regard for the king's honour, that he would readily, at any time, give his vote to enable his Majesty to answer and discharge his engagements; but that, at the same time, out of regard to their country whom they represented, and who laboured under a heavy load of debts and taxes, he thought it a duty incumbent on them, to retrench all superfluous expences: That in relation to the demand now before them, he would not enter upon the inquiry, whether such a large body of Hessian auxilaries was necessary at a time of perfect tranquillity, at least, of inaction: but he begged leave to observe, that the Landgrave of Hesse-Cassel used to keep 7,000 men constantly in his pay; and as he had only added 5,000 men to make up the 12,000, which he was to furnish to the allies of Hanover, it seemed but reasonable that Great Britain should pay for no more than these 5,000 additional troops; adding, That the same might be said, with respect to the duke of Wolfenbuttle, who, notwithstanding the subsidy he received from Great Britain, maintained no more troops than he did before." Hereupon

Sir *Robert Walpole* endeavoured to justify the measures that had been taken, in consequence of the Hanover alliance; and in particular to shew how useful this body of 12,000 Hessians had been, towards preventing the kindling of a war, for which the court of Vienna, with the assistance of Spanish subsidies, had made great preparations, and, in order thereto, had retained troops of three electors, besides the augmentation of its own. Adding, That for his part, he was fully convinced, that had it not been for the Hessians, the Emperor would not have come into the Preliminaries, and other pacific measures; and therefore they ought not to grudge an expence, which had already proved so beneficial to the tranquillity of Europe.

To this, sir Joseph Jekyll and Mr. Lutwyche replied, That whatever gloss might be put upon such measures, yet, in their opinion, they were repugnant to the constant maxims, by which England, in former times, steered and squared its conduct, with relation to its interest abroad: that when our glorious ancestors had any quarrels with their neighbours, they bravely fought them till they either beat them into peace, or forced them to buy it; of which there were many instances in our history: that our Navy is our natural strength; and, if well managed, our best defence and security: but if, in order to avoid a war, we are so condescending and so free-hearted as to buy and maintain the forces of foreign princes, we are never like to see an end of such extravagant expences.

They were replied to by sir Philip Yorke and Mr. Talbot; but at last, by a Majority of 256 voices against 91, the following Resolutions were carried, viz. 1. "That the sum of 241,259*l.* 1*s.* 3*d.* be granted to his Majesty for defraying the expence of 12,000 Hessians, taken into his Majesty's pay, for the year 1729. 2. The sum of 50,000*l.* for one year's Subsidy to the king of Sweden, pursuant to a treaty dated the 14th of March, 1726-7. 3. The sum of 25,000*l.* for one year's subsidy to the duke of Wolfenbuttle, pursuant to a treaty dated the 25th of Nov. 1727."

Feb. 10. These Resolutions being reported were agreed to by the House, without dividing: but it was resolved to address his Majesty, "That whenever it shall be necessary to take any Foreign Troops into his service, he will be graciously pleased to use his endeavours, that they be clothed with the Manufactures of Great Britain."

Petition of the American Merchants relating to the Depredations of the Spaniards.] Feb. 21. A Petition of the Merchants trading to, and interested in the British Plantations in America, in behalf of themselves and many others, was presented to the House, and read, complaining of great interruptions, for several years past, of the trade of this kingdom to the British colonies in America, by the Spaniards, whose Depredations in those seas endanger the entire loss of that valuable trade; and that the petitioners are without remedy, for want of proper powers for the recovery of their losses; and that the Spaniards treat such of his Majesty's subjects, as have fallen into their hands, in a very barbarous and cruel manner; and praying the consideration of the House, and such timely remedy as the House shall think fit. This Petition, after some debate, was referred to a Committee of the whole House.

Resolution forbidding the Publication of the Proceedings of the House.] Feb. 18. A Complaint being made to the House of Commons of a printed Pamphlet, intituled, "The Gloucester Journal; with the most material occurrences, foreign and domestic: Tuesday, February 11th, 1729: Gloucester: printed by R. Raikes:" wherein the Proceedings of this House are printed, in contempt of the Order, and in breach of the privilege, of this House: The said Pamphlet was delivered in at the table, and a paragraph therein was read.

Ordered, That the said R. Raikes do attend this House upon this day fortnight.

Feb. 26. A Petition of Robert Raikes, of the city of Gloucester, Stationer and Printer, was presented to the House, and read; setting forth, "That, before the beginning of this session of Parliament, he gave orders to his servant not to insert in his journal any of the Votes or Resolutions of this House: that the Paragraph complained of, was inserted without his knowlege, and was taken (as he is informed) from a news-letter, sent by Mr. Gytheus (clerk of the

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Bristol road) or his assistant, to the King's Head Inn Gloucester: That the Petitioner is very ill of a fever, keeps his bed, and is not able to travel: and praying, that he may be excused from attending the House."

Ordered, That the said Robert Raikes, who was ordered to attend this House upon Tuesday morning next, be discharged from such attendance.

Resolved *nem. con.* "That it is an indignity to, and a Breach of the Privilege of, this House for any person to presume to give, in written or printed news-papers, any Account, or Minutes of the Debates, or other Proceedings, of this House, or of any Committee thereof."

Resolved, *nem. con.* "That, upon discovery of the authors, printers, or publishers, of any such written or printed news-paper, this House will proceed against the offenders with the utmost severity."

Motion for an Account of 60,000*l. charged for Secret Service.*] March 11. A motion was made, "That an humble Address be presented to his Majesty, that he would direct the proper officers to lay before the House a particular and distinct account of the distribution of the sum of 60,000*l.* which in an Account laid before this House, shewing how the money given for the service of the year 1728, has been disposed of, is charged to have been issued to perfect and fulfil the obligations his Majesty is under, on account of engagements entered into and concerted, for securing the trade and navigation of this kingdom, and for restoring and preserving the peace of Europe." Which was agreed to.

A Bill against Bribery at Elections ordered to be brought in.] March 13. A Bill was ordered to be brought in, 'For the more effectual preventing Bribery and Corruption in the elections of Members to serve in Parliament.'

Petition of the Portuguese, Spanish and Italian Merchants relating to the Depredations of the Spaniards.] The same day, Petitions of divers Merchants trading to Portugal, Spain, and Italy, &c. were presented to the House and read, complaining of great losses for several years past, by their ships and effects having been seized in the harbours of Spain, and taken at sea by Spanish men of war and privateers, and confiscated; and though regular application had been made for redress, and proofs given of the losses: and satisfaction might have been demanded at the court of Madrid, yet no benefit had been received thereby; and therefore praying the consideration of the House, and such relief as to the House shall seem fit. These Petitions were referred to the Committee of the whole House.*

* "The Depredations of the Spaniards still continuing in the American seas, the anti-ministerial party omitted nothing that could persuade the nation, that these violences and insults were owing to the tameness of the British ministry, who were afraid of breaking with Spain. The truth is, the ministry had been a little too averse to violent measures. They were fully persuaded, and not without good grounds, that most of the captures were of vessels which had been concerned in an illicit trade with the Spaniards, and therefore it was unjust upon their account only, to hazard a war with that crown. But it happening that a few captures of ships trading lawfully, had been made by the Spaniards, the opposition improved and heightened this circumstance so much to their own advantage, and so greatly to the prejudice of the minister, that the dissatisfaction on that account was general all over the nation. The city of Bristol and the port of Liverpool were amongst the first that petitioned the parliament on that account, and many members, who, upon other occasions, were ready to go all lengths with the minister, concurred in voting for the necessary lights, in an affair that so nearly touched the honour and interest of the nation. On the 28th of February the lords commissioners of the admiralty were ordered to lay before the Commons the complaints that had been lodged before them by the British merchants against the Spaniards; and the House at the same time came to a Resolution of addressing his Majesty, for admiral Hosier's Instructions, and those of the commander in chief, who succeeded him. Though the minister saw that the main tendency of all those motions was to distress him, he, he did not think proper to oppose them, and some of the petitioners and their witnesses were examined before a Committee of the whole House, which sat to consider of their several complaints against the Spaniards. On the 10th of March an Address was voted to his Majesty, for copies of all memorials, petitions, and representations to himself or his father, or their secretaries, in relation to Spanish captures and British ships.

"The Spanish ministry, on the other hand, strongly insisted upon the English being excluded from all right of cutting logwood in Campeachy, or of trading to that bay. This was no new claim on the part of the Spaniards, it had been made by the marquis de Monteleone, so far back as the year 1717, and the matter had been referred by the then king to the board of trade. They gave it as their opinion, that the English had a right to cut logwood there, which opinion was founded upon no Spaniards being found in that country when the English first landed there, and that they had ever since exercised the cutting of wood in that country, and that in the year 1669, the numbers of English logwood-cutters settled in the Laguno de Terminos, were so considerably increased, that great

REPRESENTATION FROM THE BOARD OF TRADE ASSERTING THE RIGHT OF THE SUBJECTS OF GREAT BRITAIN TO CUT LOGWOOD IN THE BAY OF CAMPEACHY.] This day, Mr. Docminique from the Commissioners for Trade and Plantations, presented to the House of

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Commons, pursuant to their Order of Tuesday last, copy of a Representation from the Board of Trade, relating to the Right of the Subjects of Great Britain to cut Logwood in the bay of Campeachy; which Representation follows:

A REPRESENTATION

From the Honourable Board of Trade to his late Majesty King George I. asserting and proving the Right of the Subjects of Great Britain, to cut LOGWOOD in the BAY OF CAMPEACHY.

To the King's most excellent Majesty,

May it please your Majesty,

The right honourable Paul Methuen, esq. one of your Majesty's principal secretaries of state, having transmitted to us on the 15th of November last, by order of his royal highness, a letter or memorial he had received from the marquis de Monteleone, ambassador extraordinary from his Catholic Majesty, relating to the trade carrying on in the West Indies, and to the settlement made by your Majesty's subjects on the island of Trist, and on or near the lake or marsh de Terminos, in the province of Jucatan: in which parts he represents, 'That 'they employ themselves in cutting of logwood, 'or (as the Spaniards call it) Campeachy wood, 'and that the Spanish viceroy and governor 'had proposed to dislodge them from thence, 'but that his said Catholic Majesty would not 'send his orders before he had given your Ma'jesty notice of it, not doubting, but that ac'cording to all the treaties of peace, and par'ticularly that made at Utrecht, your Majesty 'would oblige your said subjects to leave the 'aforesaid lake de Terminos, and give positive 'orders to your governors at Jamaica, and of 'the other islands, not to suffer the least trade 'to be carried on for Campeachy wood, and to 'declare, that if, in the space of eight months, 'they do not leave the said place, they shall be 'looked upon and used as pirates.'

We beg leave to represent to your Majesty, that although we did humbly propose such methods as we esteemed proper and necessary to support the cutting of logwood in the West Indies, when the said Mr. Methuen was on departure for Madrid, yet on this occasion, when a trade of so great importance to our navigation and the American colonies, is in danger of being lost, we have again carefully perused the books and papers in our office, and received from the merchants and others the fullest information we can hope to obtain, which hath taken up much time; and we do now humbly crave leave to lay before your Majesty the past and present state of this trade, with the arguments that formerly engaged your Majesty's royal predecessors to protect and support the same; to which we shall add some observations, and the reasons that induce us to conclude your Majesty's subjects have now as full and ample right to this trade, as to any other liberty or privilege that has been allowed by the crown of Spain, and enjoyed by them, by virtue of any treaty whatsoever.

In the first place, therefore, it must be observed, That logwood is one of the products of the province of Jucatan, which extends itself into the north sea, in form of a peninsula, about 100 leagues in length. The Spaniards are possessed of San Francisco de Campeachy,

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quantities of logwood were transported both to Jamaica and New England. This being the state of that trade in 1669, and the American treaty being concluded in 1670, which, by the clause of *uti possidetis*, confirmed to the English all their possessions in America, their logwood trade and possessions upon the bay of Campeachy, were thereby clearly confirmed. Nevertheless, the maxims of the Spanish government admitting no competition about what they looked upon to be their property in America, in 1672, they began to question the English right to that trade. For on the 22nd of June that year, the queen regent of Spain published a royal cedula, importing, 'That such as 'should make an invasion, or trade without 'licence in the ports of the Indies, should be 'proceeded against as pirates, &c.' This cedula was constructed by the Spaniards in America, to inhibit the English from cutting logwood in Campeachy, and they actually confiscated all English ships that had any on board. This, however, being an act of unjust power, and not acquiesced in by the English, their right to the settlements in Campeachy and the logwood trade, was not thereby weakened, the treaty of Utrecht confirmed it, because, after confirming the American treaty, a stipulation is inserted, 'That the same shall be without 'any prejudice to any liberty or power, which 'the subjects of Great Britain enjoyed be'fore, either through right, sufferance, or in'dulgence.'

"Such is the substance of this famous Representation, which was now laid before the House of Commons, to whom several other petitions about this time from merchants and others complaining of Spanish depredations, were presented. These complaints coming so thick, raised a flame in the nation, which the minister durst not attempt to stifle; but it is uncertain, whether he did not connive at some officious writings, which represented the petitioners in no favourable light, and the petitions as destitute of real foundation. These writings and pamphlets did inconceivable prejudice to the minister, who, as has been observed before, generally employed the press very injudiciously, and no arts were wanting on the part of the opposition to persuade the public, that he secretly abetted the Spaniards in their depredations. Though nothing could be more ridiculous and groundless than this accusation, yet still the minister bore it with invincible patience, and without throwing the least obstacle in the way of the Committee, which sat from day to day upon the Spanish depredations." Tindal.

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its capital town and port, which has been thrice taken by the English, and besides they have two other inland towns, Meridia and Valladolid, of no great importance, having few inhabitants; but the rest of the province, before the logwood cutters were settled, was in a manner wholly desolate and uninhabited.

Nevertheless, it must be allowed, that the Spaniards had, from time to time, cut wood in several places near their own settlements; but during the hostilities that were committed in the West Indies before the year 1667, they deserted that employment, being frequently interrupted by the privateers, both by sea and land, who by degrees becoming acquainted with the coasts, and with those parts where the wood grew, that were most remote from the Spaniards, they at last fell into the trade, and laid the foundation of their future establishment.

Their first settlements were near to cape Catoche: but upon (if not before) the publication of the treaty concluded at Madrid in 1667, by the earl of Sandwich, they likewise settled near Suma-Sunta, adjacent to the Laguna de Terminos, and to Trist and Beef islands, which being the most convenient place for cutting of wood, and a tolerable harbour for their ships and vessels, the whole trade soon centered there. For notwithstanding the aforesaid treaty was principally intended to settle and adjust our commerce with his Catholic Majesty's dominions in Europe, yet 'a general, firm 'and perfect amity, confederation and peace 'being thereby agreed, and concluded (as in 'the first article) between the two crowns, to 'be observed inviolably, as well by land as by 'sea and fresh waters, and between the coun-'tries, kingdoms, dominions and territories be-'longing unto or under the obedience of either 'of them,' &c. It was concluded, that the peace extended to America as well as Europe; whereupon many of the British privateers that had before used those seas, to the great interruption of commerce, were then induced to quit their former course, and to settle with the logwood cutters in the Laguna de Terminos; so that in the year 1669, their numbers were considerably increased, and great quantities of wood were transported both to Jamaica and New England.

The American treaty for restraining depredations in those parts being afterwards concluded by sir William Godolphin in July, 1670, added to their strength by encouraging several others of the privateers or seamen, to fall in with this employment of cutting wood, to which it was now generally supposed they had a right by the said treaty.

And as the logwood trade was of the greatest importance to Jamaica, on the 10th of March, 1671, sir Thomas Lynch, then governor of that island, not having received any orders how to govern himself in this affair, transmitted to the Lords of the Council the reasons that induced him to encourage the same under proper regulations.

1. That the English had done so for divers years.

2. It was in desolate and uninhabited places.

3. That this seems a possession granted by the American treaty.

4. It might give a right to seclude the Dutch and the French, if we should break with Spain.

5. The Spaniards had not, to that time, made any complaints of it.

6. This employ makes the reducing of the privateers more easy. And

7. That it will employ 100 sail annually, and bring in more to his Majesty's customs and the nation's trade, than any colony the King hath.

While these arguments were under consideration, the earl of Arlington laid before the lords of the Committee, a letter from sir Thomas Modyford the late governor of Jamaica, dated the 16th of May 1672, wherein, after he had given an account of the great extent or compass of the country, in which the logwood grows; how meanly the Spanish towns, on the foresaid tract of land were peopled; and of the places frequented by the English, he adds,

"That they have used this trade for three years past, at first finding it by the sea-side, but afterwards being forced to go four or five miles up into the country for their refreshment, they had planted Indian provisions, and built houses there to keep themselves and their provisions from the sun and rain: That, in general, they had affirmed to him, never to have seen any Spaniards or other person, in all the time of their working, although they had gone six or seven miles farther into the country to kill deer, &c. This possession, he says, in the West-Indies, is held the strongest that can be, viz. felling of wood, building of houses, and clearing and planting the ground."

Sir Thomas Lynch, to confirm what he had before asserted, and to justify his proceedings, in November 1672, sends home the copies of several depositions he had taken from the masters of ships, and others concerned in the logwood trade, and a proclamation he had issued out for the better regulation and security thereof, importing,

That whereas he was informed, by the oaths of many credible witnesses, that his Majesty's subjects have used to hunt, fish, and cut wood in divers bays, islands, and parts of the continent, not frequented or possessed by any of the subjects of his Catholic Majesty, and had, for some years, peaceably done the same without any molestation; nevertheless, divers vessels having been seized at anchor and under sail by some pirates and fugitives of this island, and being in danger of being so surprised again, therefore he orders and appoints all vessels sailing out of the Port Royal, for the aforesaid lawful employments, to go out together in small squadrons, four at least in company, and to give bond to keep company with, and to obey him, whom he should make commander for the voyage, and their mutual defence, and what they should lawfully do in their own de-

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fence, and for the preservation of his Majesty's subjects, their ships and goods, be authorised and warranted, &c.

In January following, the secretary to the Lords of the Committee, by their order, advises the said sir Thomas Lynch, That he had acquainted him with their lordships' pleasure fully, concerning cutting of logwood, and that they did altogether allow of the same, provided those rules were observed, which they had formerly directed, and which were agreeable to what the said governor himself had already mentioned.

This allowance of carrying on the trade as aforesaid, gave fresh vigour to those engaged in it, though about this time the Spaniards began to interrupt them in the prosecution thereof, and to dispute their right to that liberty they had so long quietly enjoyed.

For we must insist on it, as an undoubted and uncontested fact, that from the publication of the treaty in 1667, until about two years after the conclusion of the American treaty, the logwood cutters had never been in the least disturbed or molested in their employment, either directly or indirectly; nor does it appear, that the Spanish governors took any umbrage at it, or made any complaint about it; much less did they pretend to an exclusive right, or that it was contrary to the laws of their commerce.

Nay, so far were they from expressing any resentment on this account, or making it a pretence to justify the first hostilities they committed, in violation of the treaties both of 1667 and 1670; that when sir Thomas Lynch sent to Don Fernando Francisco Descavedo, the governor of St. Francisco de Campeachy, to demand satisfaction for two English ships which had logwood on board, and were taken by some Spanish men of war; in his answer to that charge on the 6th of April 1672, he takes no notice of our cutting logwood, or that those ships had any on board, or that we had settled on the Laguna de Terminos, nor had he any other complaint to make by way of retaliation, save that an English vessel had taken a Spanish bark at the Laguna de Terminos bound to Tobasco, which is the more remarkable, because the said Laguna was, at that time, and had been several years, actually in our possession.

It must likewise be farther urged, That before the queen regent of Spain had published a royal Cedula, bearing date the 22d of June 1672, which orders, 'That such as should make 'invasion, or trade without licence in the ports 'of the Indies, should be proceeded against as 'pirates, &c.' It does not appear that cutting of logwood was esteemed by the Spaniards to be an invasion, and trading without licence; but by virtue of this Cedula, it was at length carried to that height, that if our ships had but any logwood on board, they were confiscated without remedy.

Upon this subject, the earl of Arlington, on the 19th of March 1674, wrote to sir William Godolphin, then ambassador at Madrid, as follows:

'In a word, his Majesty is so sensible of the 'sufferings of his subjects in this particular, 'that you must endeavour, by all the skill you 'have, to procure some liberty for the cutting 'of logwood, in those remote parts, where the 'Spaniards have none, and his Majesty's subjects have had long abode and residence; and 'the rather, for that we find, by all the replies 'we have seen, they justify themselves by that 'single point of cutting logwood, nay, even of 'finding it on board our vessels, which to us 'appears very unreasonable.'

And sir Lionel Jenkins, the judge of the admiralty, in his report to his late Majesty King Charles II, of the 8th of October 1675, intimated, 'That the American treaty does require 'a a farther elucidation and adjustment be'tween your Majesty and the crown of Spain; 'for it appears by the judgment of the Queen, 'in the matter of Campeachy, and by their 'Cedulas Reales, that they affix a new inter'pretation upon that treaty, in declaring what 'shall be private or not private, prize or no' prize, without communicating, it seems, with 'your Majesty, and without publication, that 'may reach your Majesty's subjects.'

Thus, by a Spanish Auto, or a decree of that court, which was inconsistent with, and made *(ex post facto)* after the ratifications of a public and solemn treaty, it was manifestly intended, not only to debar the British subjects of that liberty they enjoyed before the said treaty was made, but in some measure, to deprive them of the common right of all nations; whereas, if your Majesty's subjects did actually hold and possess the Laguna de Terminos, and the parts adjacent, at the time of the conclusion of the American treaty, as hath been already proved, the last clause of the 7th article will determine to whom the same belongs, viz.

'Moreover, it is agreed, that the most serene 'king of Great-Britain, his heirs and succes'sors, shall have, hold, and keep, and always 'possess, in full right of sovereignty, seniority, 'possession, and propriety, all the lands, coun'tries, islands, colonies, and other places, be 'they what they will, lying and situate in the 'West-Indies, or in any part of America, 'which the said king of Great-Britain and his 'subjects now hold and possess, insomuch 'they neither can, nor ought hereafter to be 'contested or called in question for them, upon 'any account, or under any pretence whatso'ever.'

And as long as the 8th article of the same treaty subsists, it will appear very extraordinary, that the Spaniards should pretend to any dominion or power in the ports or havens where they neither had fortifications, nor magazines, or in those places which were not possessed by them, because these descriptions are undoubtedly laid down by the treaty, as the sole and distinguishing marks of the sovereignty of the crown of Spain in those parts and places, which

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only we were to forbear sailing to and trafficking in, while all other ports and places were left open and free.

But notwithstanding the said treaty was so strong in our favour, the Spaniards having thereby compassed the two main ends they proposed to themselves, viz.

1st, The securing their West-India trade to themselves, by excluding us, and consequently all other nations, from trafficking with them; a point which could never be before obtained, though it was strenuously insisted on, in the reign of king James I. and afterwards in 1630.

2dly, The dispersion of the privateers, who had long miserably harrassed and distressed the Spaniards' settlements, and notably checked the increase both of their power and trade in those parts, but are now entirely reduced, by the great care of the English governors, and by their entering into the logwood trade.

Yet the only advantages Great-Britain aimed at by the treaty, viz. That her subjects might carry on their trade without interruption, and peaceably enjoy those places they then held and possessed, were, in a great measure, absolutely defeated.

For, after the publication of the aforesaid royal Cedula, many of our ships were made prizes, under that pretence, sometimes by Spanish men of war, at other times by English pirates, seduced by the governors into the service of Spain, and afterwards by the Biscayneers, that were sent to cruise in those seas.

And, upon the same pretence, in April 1680, several ships under the command of Don Philippo de Varedda Villegas, arrived at the island of Trist and the Laguna de Terminos, attacked our logwood-cutters, while separated from one another, and dislodged them from thence.

Moreover, the Spanish governors encouraged by this success, and little regarding the just right of your Majesty, or your subjects, even to plantations still more distant from their dominions, did soon resolve upon another expedition, and in 1682 surprized New Providence, one of the Bahama islands.

But these places were again soon repeopled, and the trade from Trist and the Laguna, in 1682, was greater than ever.

The rise and progress of the log-wood trade from about the year 1667, to the year 1682, being thus stated, and laid before your Majesty, we presume it would be too tedious, and not very material to the point in question, to enter into the particulars, how, and in what manner, it was afterwards constantly carried on; and how it has been from time to time interrupted and supported until the year 1713, when the adjustment and settlement thereof was again under consideration, both at Madrid and Utrecht.

But since the Spanish ambassador insists on it, that by the treaty of peace made at Utrecht, in which (he says) it is stipulated, 'That the 'lands or other places which had been taken 'in the Indies during the war, should be 'evacuated; your Majesty is engaged to 'oblige your subjects who are come to the 'lake de Terminos, to leave it immediately.' We most humbly take leave to represent farther to your Majesty:

That if his excellency would hereby insinuate, that your Majesty's subjects are but lately, and during the war, come to the Laguna de Terminos, that is a mistake in fact, for it appears by the forementioned depositions, sent by sir Thomas Lynch, and sir Thomas Modyford, that they were there in 1669, and for some time, or years before; and it is well known to the Spaniards, that they have been ever since possessed of that part of the country, except for two or three months after the aforesaid assault in 1680.

Neither will what the said ambassador asserts from the treaty, answer the end for which it was produced.

By the 8th article it is, indeed, agreed by his Catholic Majesty, 'not to alienate any of 'his territories in the West-Indies, to the 'French or any other nation; and upon this 'condition her late Majesty engages, that she 'will endeavour and give assistance to the 'Spaniards, that the ancient limits of their dominions in America be restored, &c. if it 'shall appear that they have in any manner 'been broken into, and lessened in any part, 'since the death of king Charles 2.' But to argue from hence, that the Laguna de Terminos, in possession of the English before the year 1670, must be evacuated, when this treaty has only reference to what has passed since the demise of the said king Charles 2, is very extraordinary.

But if the ambassador refers to the memorial on the affairs of commerce, that was signed at Madrid the 13th of July 1713, by the lord Lexington, and the marquis de Bedmar, we must confess, that the article relating to the logwood trade, proposed therein by his lordship, had not then its effect: but we are assured it was from thence, among other things, referred to the discussion of the plenipotentiaries at Utrecht.

What passed particularly on this affair at Utrecht, doth not appear to us; but by the treaty of commerce concluded the 28th of November following (of which the said ambassador takes no notice in this memorial) and wherein the several interests of the two crowns, and their subjects, with respect to commerce, were more particularly under consideration, it is manifest, that the rights and liberties insisted on by the British subjects in the West-Indies, were adjusted by the Lords plenipotentiaries, and that a clause in the treaty which determines this contest relating to the cutting of logwood, beyond all possibility of dispute for the future, was then agreed upon and concluded; it being expressly stipulated in the first article after the confirmation and ratification of the American treaty in 1670, as follows:

'Without any prejudice, however, to any 'liberty, or power, which the subjects of

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'Great Britain enjoyed before, either through 'right, sufferance, or indulgence.'

If therefore this comprehensive clause, (which relates only to the West-Indies) confirms, secures, and re-establishes those liberties, which the subjects of Great Britain enjoyed in America before the treaty in 1670, it necessarily follows:

That they having then enjoyed the liberty of cutting logwood, without any interruption (as hath been proved) either through right, sufferance, or indulgence, they are again intitled by this treaty, to the same liberty, in as plain and express words as can be used or imagined.

And that your Majesty may be more fully apprized of the importance of this trade, the same will be effectually demonstrated by the following account of the quantities of logwood imported since the war, viz.

	T.	C.	Q.	lb.
In 1713 - - - - - -	2139	15	3	22
1714 - - - - - -	4878	14	3	24
1715 - - - - - -	5863	12	1	14
1716 - - - - - -	2032	17	2	05
In four years, Tons	14965	00	3	09

That is, *communibus annis*, tons 3741, which cannot be computed at less than 60,000*l.* per annum, though the price is at present reduced from 40*l.* to 16*l.* per ton, whereas, before your Majesty's subjects were settled there, it was worth 100*l.* the ton.

Nor is this trade less necessary than beneficial to your Majesty's dominions, by reason of the great encouragement it gives to our seamen and shipping, which at all times requires a particular attention, but now especially, when it is daily observed, that very many British mariners, either through defect of the laws, for want of employment at home, or in hopes of greater advantage abroad, enter themselves into foreign service.

Upon the whole, therefore, we are humbly of opinion;

That the subjects of this your Majesty's kingdom, for some years before, as well as after the conclusion of the American treaty in 1670, did enjoy an uninterrupted liberty of cutting logwood in the Laguna de Terminos, and in other places not inhabited by the Spaniards in the province of Jucatan, either through right, sufferance, or indulgence.

That the said American treaty did establish a right in the crown of Great Britain to the Laguna de Terminos, and the parts adjacent; those places, at the time of the treaty, and for some years before being actually in possession of the British subjects.

That the royal Cedula issued out by the court of Spain, was a violation of the aforesaid treaty, forasmuch as the carrying on the trade to the Laguna de Terminos, was thereby interpreted an invasion, and the logwood-cutters accounted pirates.

And that your Majesty's subjects having been (at least) suffered to enjoy the liberty of cutting logwood as aforesaid, before the conclusion of the American treaty (although your Majesty should not insist on your said right to the Laguna de Terminos) yet that the same liberty is absolutely granted and confirmed by the treaty of commerce made at Utrecht.

And we do farther think it our duty to represent to your Majesty, that although the said Spanish ambassador seems to declare in his memorial, that no attempt should be made to dislodge your subjects settled on the Laguna de Terminos, in a less time than eight months from the date of his said memorial; yet they were dislodged and taken prisoners in the same month the memorial was delivered, as appears by several affidavits sent to this board by general Hamilton, your Majesty's governor of the Leeward islands.

All which is most humbly submitted.——*(Signed,)* Suffolk, J. Chetwynd, Charles Cooke, J. Molesworth, D. Pulteney, M. Bladen.—Whitehall, Sept. 25th, 1717.

Resolution of the House relating to the Depredations of the Spaniards.] Then the House, having resolved itself into the said Committee, considered farther of the Petitions of divers merchants and others, interested in the British plantations in America; proceeded in the farther hearing of the Petitioners; went through the Evidence; and, at last, after some debate, put off the farther consideration of that affair to the 20th, but came to the following Resolution, viz. "That from the Peace concluded at Utrecht, in the year 1713, to this time, the British trade and navigation to and from the several British colonies in America, has been greatly interrupted by the continual Depredations of the Spaniards, who have seized very valuable effects, and have unjustly taken and made prize of great numbers of British ships and vessels in those parts, to the great loss and damage of the subjects of this kingdom, and in manifest violation of the Treaties subsisting between the two crowns."

An Address thereon presented to the King.] Then Mr. Winnington, by direction from the Grand Committee, moved, and it was accordingly resolved, *nem. con.* "That an humble Address be presented to the King, to desire his Majesty will use his utmost endeavours to prevent such Depredations; to procure just and reasonable satisfaction for the losses sustained; and to secure to his subjects the free exercise of commerce and navigation to and from the British colonies in America."

March 14. Mr. Winnington reported the said Resolution, which was agreed to.

The King's Answer thereto.] March 17. The Commons, with their Speaker, having attended the King with this Address, his Majesty returned the following Answer:

"Gentlemen;

"I have always had the greatest regard and

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concern for the Commerce and Navigation of my kingdoms; I am sensibly affected with the Losses sustained by my trading subjects; I have upon all proper applications given the strictest orders for procuring just and reasonable satisfaction; and you may be assured, that I will use my best endeavours to answer the desires and expectations of my people upon an affair of so much importance."

Proceedings concerning the Restitution of Gibraltar.] March 18. The Lords, in a full House, considered the State of the Nation, particularly with relation to the positive demand made by the court of Spain, for the Restitution of Gibraltar, grounded on a Letter* written in the year 1721, by his late Majesty to the king of Spain: A copy of that Letter in French, with a translation of it in English, having been laid before the House, the said translation was read, as follows:

'Sir, My Brother; July 1, 1721.
'I have learnt, with great satisfaction, by the 'report of my ambassador at your court, that 'your Majesty is, at last, resolved to remove 'the obstacles that have, for some time, delay-'ed the entire accomplishment of our union. 'Since, from the confidence your Majesty ex-'presses towards me, I may look upon the 'Treaties which have been in question between 'us as re-established; and that accordingly the 'instruments necessary for carrying on the 'trade of my subjects, will be delivered out: I 'do no longer balance to assure your Majesty 'of my readiness to satisfy you, with regard to 'your demand touching the Restitution of 'Gibraltar; promising you to make use of the 'first favourable opportunity to regulate this 'Article, with consent of my Parliament. And 'to give your Majesty a further proof of my af-'fection, I have ordered my ambassador, as 'soon as the negociation, with which he has 'been charged, shall be finished, to propose to 'your Majesty new engagements to be entered 'into, in concert and jointly with France, suit-'able to the present conjuncture, not only for 'strengthening our union, but also for securing 'the tranquillity of Europe: Your Majesty 'may be persuaded that I, on my part, will 'shew all the facility imaginable, promising 'myself that you will do the same, for the mu-'tual benefit of our kingdoms, being most per-'fectly, Sir, my Brother, your Majesty's Good 'Brother, GEORGE R.'
'To the King of Spain,
'Monsieur, My Brother.'

A Motion in the Lords that the King of Spain be obliged to renounce his Claim to Gibraltar and Minorca; passes in the Negative.] Then it being moved to resolve, "That for the honour of his Majesty, and the preservation and security of the Trade and Commerce of this kingdom, effectual care should be taken in the present Treaty, That the king of Spain do renounce all claim and pretension to Gibraltar and the island of Minorca, in plain and strong terms."

After debate, the question being put thereupon, it was resolved in the negative by 84 against 31.

Protest thereon.]
"Dissentient'

1. "Because we think our right to a place of such importance to our commerce should be secured by more than general stipulations, which may be liable to different constructions, and will probably be interpreted by the Spaniards in their own favour, however we may interpret them in ours.

2. "Because the king of Spain, having claimed by his ministers several times, not only from the late king's positive promise, as he asserts it to be, but from our forfeiture of it too by our infractions of those conditions on which he gave it up to us; and having actually besieged it since he yielded it to us by treaty, it seems reasonable to us, that we should insist upon his making his renunciation of it in words as plain and strong as he has made his claim to it, especially since, as far as we have heard, our plenipotentiaries have not been able to prevail upon him to shew any inclination to relinquish his pretensions to it, during the long course of these perplexed negotiations, in which we have been unskilfully, as we fear, and we are sure we have been unfortunately involved.

3. "We think it is incumbent upon us to take particular care, that our right to it should not in the least be precarious, because, we apprehend, we have great reason to fear that the king of Spain's allies are very desirous to have it again in his hands, and have no reason at all to believe that our own allies are solicitous to have it continue in ours: if there should be the least room, upon a peace, for the king of Spain's pretensions to it, from any loose or doubtful expressions, we are apprehensive, it may lay a foundation for uneasiness and animosity, and might interrupt a perfect harmony between us and a nation whose friendship must always be of the greatest advantage to us. We think our zeal to preserve our title to it, in that most effectual manner we proposed, would have terrified any wicked ministers even from the thoughts of giving it up, if ever we should be in such wretched circumstances, as to have any who might think a war more dangerous to themselves than the nation, and who might for that reason be tempted to purchase an inglorious peace, at the high price of so valuable a part of the British dominions.——*(Signed)* Beaufort, Strafford, Gower, Bathurst, Plymouth, Oxford and Mortimer, Berkshire, Scarsdale, Boyle, Montjoy, Weston, Willoughby de Broke, Coventry, Litchfield, Craven, Abingdon, Foley."

* A motion was made in the last session of king George 1, for laying before the Commons a copy of the said Letter, but it passed in the negative; see p. 547. See likewise lord Bathurst's, and lord Townshend's Speeches relating thereto in the same session p. 535.

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Then it was resolved, "That this House doth entirely rely upon his Majesty, that he will, for maintaining the honour, and securing the trade of this kingdom, take effectual care in the present Treaty, to preserve his undoubted right to Gibraltar and the island of Minorca."

March 19. The Lords sent a Message to the Commons, desiring a present Conference, relating to Gibraltar and Minorca: which being agreed to, the Managers for the Lords communicated to those of the Commons the above Resolution.

The lord Malpas, one of the Managers for the Commons, having reported the Conference to the House, it was resolved to address his Majesty for a copy of the Letter written by his late Majesty to the king of Spain, in 1721, relating to Gibraltar.

March 21. The said Letter being laid before the House, the same was taken into consideration, together with the Lords' Resolution, above-mentioned; upon which, there was a warm debate. Many severe reflections were made on those who first advised his late Majesty to write such a Letter, as either implied, or at least was taken by the Spaniards, as a positive promise of giving up Gibraltar; and therefore might be looked upon as the main source and occasion both of the subsequent measures that have been pursued to recover that false step, and of the difficulties we at present labour under. The Courtiers endeavoured to justify those measures, and assured the House, That effectual care had been taken in the present negociation, to secure the possession of Gibraltar to the Crown of Great-Britain: But the Country-Party answered, That the same did not plainly appear by the tenor of the Provisional Treaty; and therefore moved, That to the Lords' Resolution, now under consideration, the following words might be added, viz. 'And that all pretensions on 'the part of the crown of Spain to the said 'places be specifically given up.' But after some farther debate, the question being put upon the said motion, it was carried in the negative, by 267 voices against 111. After this, the question being put, That this House does agree with the Lords in the said Resolution, it was carried in the affirmative without dividing.*

The same day, a Bill, 'For the more effectual preventing Bribery and Corruption in 'the Election of Members to serve in Parliament,' was read the first, and ordered to be read a second time.

* "Thus ended this business in Parliament, which had created so much ill-will, occasioned so many false reports at the time, and which has since been misrepresented by those who inculpate the minister for breaking a promise which he never made, and for violating the national honour, when, in fact, he defended and supported it. Although the business was thus concluded in Parliament, yet the assertions of the minister did not satisfy Opposition, and as the affair was again renewed in the Craftsman, and other periodical publications, with increased rancour and exaggerated invective, to which Walpole never condescended to make any reply, these invectives have been adopted by subsequent historians with no less asperity, and have been considered as authentic facts. Nor is this misrepresentation confined to the authors of this country: Many of the French writers are totally mistaken in the account of this negotiation in asserting that George the first promised unconditionally to restore Gibraltar.

"In 1715, George the first, for the purpose of avoiding a rupture with Spain, gave full powers to the regent duke of Orleans, to offer the restoration of Gibraltar; the hostilities which followed, annulled the promise, and afterwards the king of Spain acceded purely and simply to the quadruple alliance, without stipulating the cession. The regent, however, with a view to ingratiate himself with the king of Spain, and to promote the double marriage between the two infants and his two daughters, repeatedly renewed the offer in the name of George the first, and inspired Philip with the most sanguine hopes of recovering so important a fortress. These expectations being urged by Philip with great warmth, and with little discretion, obliged the King to declare that he did not consider himself as bound by his former conditional promise. The regent being reproached by the queen of Spain with a breach of his word, dispatched the count de Seneterre to England, to represent the danger and delicacy of his situation. He declared, that he considered the King's promise as full and positive, and that he would as soon consent to his utter ruin, as to the dishonour of failing in so public an engagement. These strong expressions from the regent, who had proved himself so faithful an ally, and whose assistance in discovering and counteracting the schemes of the Jacobites was so necessary, perplexed the King, and induced him to use his utmost endeavours to gratify him and the king of Spain, with this view, earl Stanhope sounded the disposition of the upper House, by insinuating an intention to obtain a bill, empowering the King to dispose of Gibraltar, for the advantage of the nation. But this hint produced a violent ferment. The public were roused with indignation on the simple suspicion, that at the close of a successful war, unjustly begun by Spain, so important a fortress should be ceded. General murmurs were at the same time excited by a report industriously circulated by Opposition, that the King had entered into a positive engagement for that purpose; virulent pamphlets were published to alarm the people, and to persuade them rather to continue the war, than to give up Gibraltar. The ministers were compelled to yield to the torrent, and to adopt the prudent resolution of waving the motion, lest it should produce a contrary effect, by a bill, which might for ever

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March 25. The above Resolution having been formed into an Address, both Houses presented the same to his Majesty, who returned the following Answer:

"My Lords and Gentlemen;

"I thank you for the confidence you repose in me, I will take effectual care, as I have hitherto done, to secure my undoubted right to Gibraltar, and the Island of Minorca."

The same day, sir Paul Methuen delivered to the Commons the following Answer to their Address of the 11th instant, viz. "That the sum of 60,000*l.* mentioned in that Address, had been issued and disbursed, pursuant to the power given to his Majesty by parliament, for necessary services and engagements entered into for restoring and preserving the peace of Europe, and which require the greatest secrecy; and therefore, a particular and distinct account of the distribution of it, could not possibly be given, without a manifest prejudice to the public."

March 27. The Commons, in a grand Committee, considerd farther of the petition of several merchants relating to the Spanish depredatons; heard some of the petitioners; examined witnesses; and after a warm debate, put off the farther consideration of that matter to the 2d of April.

The Bribery-Bill passed and sent up to the Lords.] April 1. The Bill, 'For the more effectie up the King's hands. The interference of France in this affair, and the extreme eagerness to obtain the restitution, was of great detriment The alarm was indeed so strong, that suspicions were entertained that the Regent was meditating the desertion of the alliance with England, and made Gibraltar a pretext to justify a change of system. These apprehensions induced the King to send earl Stanhope to Paris, with a view of representing the true situation of affairs, and to state the unpopularity of the measure, and the impracticability of carrying it against the general sense of the people. The letter which Stanhope conveyed from the King to the Regent on this occasion, was firm, discreet, and satisfactory. He acknowledged that he had made the offer of ceding Gibraltar, solely with a view of preventing the rupture, and that Spain might have obtained it, had she then acceded to the proposed conditions. But it was now too late to revive the demand, as the king of Spain had proved himself the aggressor. It never could be understood that a voluntary offer of this nature, to prevent a war, was binding as a preliminary of peace. He concluded by observing, that he had never given his consent, since the rupture, to the renewal of the offer, and had received no communication from the regent of any intention to bring it forward. The duke of Orleans was fully satisfied with this representation. He owned, that although he could not avoid continuing to press for the restitution which he had so solemnly promised in the King's name, yet that he would employ every indirect means in his power, to prevent its being indiscreetly and improperly urged, and testified his resolution to make a separate peace with Spain.

"The King, however, being still inclined to gratify the Regent, if he could do it without disobliging his subjects, referred the object of dispute to the congress at Cambray, hoping that in the course of negotiations, the Spanish plenipotentiaries might urge such motives and arguments in its favour, as would influence the Parliament and people. Under the same impressions, he made another effort. By his order, earl Stanhope wrote to secretary Craggs, to lay before the lords justices the advantages which would result from ceding Gibraltar for Florida, or the eastern part of St. Domingo, and for certain commercial advantages. This proposal being laid before the council, lord Townshend at first warmly opposed, but finally agreed, if a suitable equivalent, particularly Florida, could be obtained. Accordingly, the cession seemed ultimately determined, if it met with the approbation of Parliament. But the obstinacy of the King of Spain, rendered this proposal ineffectual. He declined yielding Florida in exchange, and insisted on Gibraltar without giving any equivalent. This Claim on his part was so warmly and repeatedly insisted on, as the indispensable requisite for acceding to the terms of pacification, that it was deemed a prudent art of policy not to retard the conclusion of peace, by a positive denial. Philip having requested, as an ostensible vindication of the peace, which was reprobated in Spain as highly dishonourable, a letter conveying a promise of restoring Gibraltar, George the first complied, and expressed himself with great discretion on this delicate subject. "I no longer balance (he observed) to assure your Majesty of my readiness to satisfy you with regard to your demand, touching the restitution of Gibraltar, *upon the footing of an equivalent*, promising you to make use of the first favourable opportunity to regulate this article, with consent of my Parliament." When the British minister delivered this letter, both the king and queen of Spain made so many objections, particularly to the word 'equivalent,' that at his suggestion the King consented to write another letter, in which those words were omitted, under the full conviction that the letter, even in that mutilated state, left the affair entirely to the Parliament, who might refuse to part with Gibraltar upon any terms; or if they agreed to the cession, might equally insist upon an equivalent.

"This was the memorable letter, † which was the cause of so much obloquy." Coxe's Walpole.

† This letter is printed in the Journals of the Lords and Commons, in the Political State of Europe, Historical Register, Chandler, and Tindal, with an omission of the words marked in Italics.

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'fectual preventing Bribery and Corruption in 'Elections,' was read the third time, passed, and sent to the Lords by Mr. Watkin Williams Wynne, knight of the shire for Denbigh.

A Motion in the Lords to resolve, That Admiral Hosier's Expedition was an unreasonable Burthen upon the Nation, passes in the negative.] April 17. The Lords having called for most of the Papers, that had been laid before the Commons, relating to the Spanish Depredations; and read some of them, considered, the next day, in a full House, the State of the Nation. Very severe reflections were made on the late conduct of those in the administration: and the residue of the papers which were laid before the House, as well in relation to the squadron of ships sent to the West-Indies, as to the depredations made by the Spaniards on his Majesty's subjects in America, being read, it was proposed to resolve, "That it appears to this House, that the expence of the squadron sent to the West-Indies, under the command of vice-admiral Hosier, having been borne by this nation alone, though designed to prevent the Spaniards from seizing the effects belonging to his Majesty's allies, as well as his subjects, which were on board the Flota or Galleons, and from applying the treasure to disturb the peace, and invade the liberties of Europe, has been an unreasonable burthen upon this kingdom."

Protest thereon.] After debate the question was put thereupon, and it was resolved in the negative, by 87 against 27.

"Dissentient'

1. "Because, we conceive, that our Allies were, at least, as much concerned as ourselves, to prevent the Spaniards from disturbing the peace and invading the liberties of Europe, if there was at that time sufficient foundation to apprehend such attempts on the part of Spain, and because our allies (the French in particular) had a much greater share in the effects of the Galleons than the subjects of this nation, and by consequence were much more concerned in interest to prevent the king of Spain from seizing those effects.

2. "Because we not only took the whole charge of this expedition upon ourselves, but have increased our national forces, taken great numbers of foreign troops into our pay, and contracted to pay divers subsidies to Foreign princes, when it has not appeared to us in any authentic manner (as we apprehend) that our allies have taken upon themselves any expence proportionable to this, in consequence of the Hanover Treaty.

3. "Because we are convinced, that the national expence and losses, occasioned by this expedition, do not only very far exceed any interest which the subjects of this nation can be supposed to have in the Galleons, but have likewise been much more considerable than any detriment which has accrued to Spain by delaying the return of the Galleons.

4. "That by taking this expedition solely upon ourselves, we drew the whole resentment of the court of Spain upon this nation, and gave the French an opportunity of healing the breaches which had been made between those two courts; of acquiring a greater share than ever they had in a most beneficial branch of trade, and of acting rather the part of mediators than that of parties in the dispute.

5. "We cannot help being of opinion, that this burthen was the more unreasonable, since it does not appear that this expedition has had the effect of obliging the Spaniards clearly to adjust the points in dispute between us, or effectually to secure to our merchants a just satisfaction for the great losses, which they have sustained by the seizures and captures made by the Spaniards.——*(Signed)* Beaufort, Strafford, Gower, Montjoy, Coventry, Oxford and Mortimer, Plimouth, Foley, Craven, Willoughby de Broke, Litchfield, Bathurst, Scarsdale, Northampton."

Debate in the Commons on the Arrears of the Civil List.] April 23 The Commons went into a grand committee on the Supply, and after examination of the commissioners &c. the customs and excise, the postmaster general, and other officers concerned in the Civil List Revenues, the Courtiers endeavoured to prove, that there were so great Arrears standing out on the several branches of those revenues, that they fell short of producing within the year, the clear sum of 800,000*l.* which was settled for his Majesty's Civil List; and hereupon Mr. Scrope moved, "That the sum of 115,000*l.* be granted to his Majesty, upon account of the Arrears of his Civil List Revenues, to be replaced and refunded, for the use and benefit of the public, out of such arrears of the said revenues, as shall be standing out at his Majesty's demise, and together with the said sum of 115,000*l.* shall be more than sufficient to make up the produce of the said revenues 800,000*l.* per annum, during his Majesty's life, to be computed from the 25th of June 1727."*

* "In this session occurred one of those difficult and critical cases, in which Walpole was reduced to the necessity of complying with the will of the sovereign, contrary to his own judgment, or of resigning. Great complaints had been made of the deficiency of the civil list, and upon an examination of the revenue officers, a motion was made by Scrope, secretary to the treasury, that the sum of 115,000*l.* be granted to his Majesty, not as a deficiency, but as an arrear. It appeared that there was no deficiency, yet the House rejected a motion for a secret committee, and passed the act, by a majority of 241 against 115. In the Lords, the bill met with strenuous opposition, and though carried, very strong protests were entered on the journals, and signed by fourteen peers. This transaction gave great pain to Walpole: he is said to have used every effort of address and reason-

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Though the design of this motion was easily apprehended, yet many members expressed their surprise, that it should be made so late in the session, and after the recess of Easter, and when it was generally understood that there was no farther demand of money to be made; since it related to an account, said by the member who made the motion, to have been closed at Midsummer 1728, and consequently proper in every respect, if at all, to have been brought in very early in the session, and to have been considered in a full House; and this motion appeared to them the more extraordinary, because, in the former session, the several duties and revenues granted by the act for the better support of his Majesty's houshold, and of the honour and dignity of the crown, were understood, and appeared by the accounts then before the House, to produce yearly much above the sum of 800,000*l.* for which they were given; and therefore the said motion was vigorously opposed by Mr. William Pulteney, and other members, who moved, "That these Accounts and Papers should be referred to a Select Committee, with power to send for such other accounts, and to call before them, and examine such officers of the revenue as they judged necessary, and then to report to the House a true state of the fact, and whether it did appear to them that there really was such a deficiency in the produce of the Civil List Revenues."

But this was opposed by sir Robert Walpole, and Mr. Scrope who had delivered in these accounts; and the question being put upon Mr. Pulteney's motion, it passed in the negative.

Then it was moved by the Country Party, That this affair might be considered in a full House, and that for that for that purpose all leaves of absence might be revoked, and the members summoned to attend; which having also passed in the negative, the question was put upon Mr. Scrope's motion, which was carried in the affirmative, by 241 voices against 115. The following is a List of the members who voted *Pro* and *Con* on this remarkable occasion:

A LIST of the MEMBERS, who voted for granting 115,000*l.* for making good the Arrears of the CIVIL LIST.

Andrews, Townshend
Arundel, hon. Rich.
Ashe, Edward
Ashburnham, sir Will.
Bacon, sir Edmund, (of Gillingham)
Bacon, Waller
Baker, Hercules
Beauclerck, lord Vere
Beauclerk, lord Will.
Berkeley, hon. col. H.
Birch, John
Bishop, sir Cecil, bt.
Bladen, col. Martin
Bladen, Thomas
Bond, Dennis
Bradshaigh, sir Roger
Brereton, Thomas
Bridgeman, sir Orlan.
Bristow, Robert
Brittiffe, Robert
Brodie, Alexander
Brooksbank, Stamp
Brudenel, hon. Jas.
Burchet, Josiah
Burrard, Paul
Byng, hon. Pattee
Byng, hon. Robert
Caernarvon, marq. of
Campbell, Daniel
Campbell, sir James
Campbell, col. James
Campbell, John
Campbell, John
Campbell, Patrick
Carr, William
Carey, Walter
Castlemain, visc.
Caswal, sir George
Cavendish, lord Chas.
Cavendish, lord Jas.
Chetwynd, Walter
Chapple, William
Clavering, John
Clayton, William, (Westminster)
Clayton, William, (Bletchingly)
Clutterbuck, Thomas
Cockburne, John
Collyer, hon. capt. C.
Conduit, John
Cope, col. John
Coppleston, Thomas
Corbet, William
Corker, Robert
Cornwallis, hon. John
Cornwallis, hon. Step.
Cotton, sir Robert
Cracherode, Anthony
Crispe, Thomas
Croft, sir Archer
Cross, John
Crowle, George
Darcy, sir Conyers, K. B.
Daeminique, Paul
Doddington, George
Downing, sir George
Ducket, William
Dunbar, Patrick
Duncombe, Anthony
Edgecombe, Richard
Edwards, Samuel
Egerton, col. William
Erle, Giles
Erle, W. Rawlinson
Evans, capt. Richard
Evelyn, John
Eversfield, Charles
Eyre, Robert
Fane, Francis
Fane, hon. John
Farrington, Thomas
Finch, lord Daniel
Finch, hon. Henry
Finch, hon. William
Fitzwilliams, visc.
Forbes, Duncan
Fortescue, William
Frankland, sir Tho.
Gage, sir Will. K. B.
Gage, visc.
Galway, visc.
Gibson, Thomas
Glanville, William
Glenorchy, visc.
Goddard, John
Gould, John
Gould, Nathaniel
Grant, James
Gregory, George
Griffith, John
Grimstone, visc.
Hales, sir Thomas
Hales, Thomas
Hamilton, Alexander
Hamilton, lord Arch.
Handasyde, col. Roger
Harris, John
Harrison, George
Hartington, marq. of
Heathcote, George
Hedges, John
Herbert, Hen. Arthur
Herbert, hon. Robert
Herbert, Richard
Herbert, hon. Tho.
Heron, Patrick
Holland, Rogers
Hope, col. John
Hope, Thomas
Hoste, James
Hotham, sir Charles
Houghton, sir Henry
Howard, hon. col. C.
Howarth, sir Humph.
Hucks, Robert
Hughes, Edward
Huxley, George
Hynxman, Joseph
Jacomb, Robert
Jenison, Ralph
Jessop, William
Inchequin, earl of
Ingram, hon. Henry
Kelsall, Henry
Knatchbull, sir Edw.
Knollys, Henry
Lane, sir Richard
Leathes, Carteret
Lewis, Thomas, (of Soberton)
Lewis, Thomas, (Radnor)
Liddell, George

ing to dissuade the prosecution of the demand, so much as even to offend the King. The enemies of his administration were not ignorant of his resistance, and some of the leading Tories made secret proposals to the King, that if he would discard Walpole, they would not only obtain the sum required, but add to it 100,000*l.* Thus circumstanced, the minister reluctantly complied, and subjected his character to much obloquy."*—Coxe's Walpole.

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Lloyd, Philip
Lloyd, Salisbury
Lomax, Caleb
Longueville, Charles
Lowther, hon. Anth.
Lumley, hon. James
Lumley, hon. John
Lyttleton, sir Thomas
Malpas, lord visc.
Metcalfe, James
Methuen, sir Paul, K.B.
Mickletbwaite, visc.
Middleton, col. John
Mills, sir Richard
Monson, George
Moreton, hon. M. D.
Morrice, Humphry
Morgan, col. Maurice,
Morgan, Thomas
Morgan, sir Will. K.B.
Negus, Francis
Nelthorpe, James
Nicoll, Chas. Gounter
Norris, sir John
Norton, Thomas
Offley, Crew
Onslow, Arthur
Onslow, col. Richard
Orlebar, John
Oxenden, sir George
Page, John
Palmerston, visc.
Parsons, Henry
Pearse, Thomas
Pelham, hon. Henry
Pelham, James
Pelham, Thomas
Percival, visc.
Piers, William
Pitt, col. John
Plummer, Richard
Plumtree, John
Polhill, David
Powlet, lord Henry
Powlet, lord Nassau
Powlet, Norton
Powlet, lord William
Price, Uvedale
Ramsden, John
Read, col. George
Read, sir Thomas
Rich, sir Robert
Robinson, Thomas
Sabine, lieut.-gen.
Saunders, sir George
Sayer, Dr. Exton
Scot, col. James
Scrope, John
Selwyn, Charles
Selwyn, John
Shannon, lord visc.
Shelly, sir John
Shepard, James
Sloper, William
Smelt, Leonard
St. Clair, hon. col.
St. Quintin, M. Chitty
Strickland, sir Will.
Stuart, William
Talbot, Charles
Thompson, Edward
Thompson, sir Will.
Thornhill, sir James
Tilson, Christopher
Towers, Christopher
Towers, Thomas
Townshend, hon. Hor.
Townshend, hon. Tho.
Townshend, hon. col. William
Tyrrel, brig. James
Verney, hon. John
Vincent, Henry
Wade, lieut.-gen.
Wager, sir Chas. K. B.
Walpole, sir Robert
Walter, Peter
Westby, Wardel Geo.
White, Thomas
Whitworth, Francis
Williams, Hugh
Williams, sir Nich.
Willes, John
Willis, sir William
Wills, sir Chas. K. B.
Wilson, Daniel
Winnington, Tho.
Wyndham, col. Will.
Wynne, Thomas
Yonge, sir W. K. B.
Yorke, sir Philip.

A List of the Members, who voted against granting the above Sum of 115,000*l.* for the Civil List.

Abdy, sir Robert
Aislabie, William
Astley, sir John
Austen, sir Robert
Bacon, Tho. Sclater
Banks, John
Banks, Joseph
Barker, sir William
Barnard, John
Bathurst, Peter
Berkeley, hon. Geo.
Bertie, hon. James
Booth, Robert
Bootle, Thomas
Boone, Charles
Bowes, George
Bowles, William
Bramston, Thomas
Campbell, John, (Pembrokeshire)
Charlton, St. John
Chetwynd, visc.
Chetwynd, hon. John
Child, Francis
Clerke, sir Thomas
Cocks, James
Compton, hon. Geo.
Cornewall, Velters
Cotton, sir J. Hynde
Curzon, sir Nathaniel
Danvers, Joseph
Devereux, hon. Price
Digby, hon. Edward
Dutton, sir John
Ellis, sir Richard
Elton, sir Abraham
Eyles, sir John
Fenwick, Nicholas
Finch, hon. John
Foley, Richard
Fuller, John
Furnese, sir Robert
Furnese, Henry
Gibbon, Philips
Gower, hon. Will. L.
Gower, hon. Baptist L.
Grant, sir Archibald
Grosvenor, sir Rich.
Hanbury, John
Harvey, Michael
Hawkins, Philip
Holmes, Thomas
Horner, T. Strangways
Howe, John
Jekyll, sir Joseph
Knight, John
Lawson, Gilfrid
Lawson, sir Wilfrid
Lee, sir Thomas
Lewen, George
Limerick, visc.
Lisle, Edward
Lister, Richard
Lowe, Samuel
Lowther, James
Lutwyche, Thomas
Manseil, hon. Bussy
Milner, sir William
Morpeth, visc.
Newland, William
Newton, sir Mich. K.B.
Norris, John
Oglethorpe, James
Pacey, Henry
Papillon, David
Parsons, Humphry
Perrot, Henry
Perry, Micajah
Peytoe, William
Philips, Erasmus
Pitt, Thomas
Pleydell, Ed. Moreton
Pulteney, Daniel
Reynell, Richard
Roberts, Gabriel
Rushout, sir John
Sambrook, John
Sandys, Samuel
Saville, sir George
Saunderson, sir Tho. Lumley, K. B.
Scawen, Thomas
Sebright, sir Thomas
Shippen, William
Shirebey, hon. Robert
Shuttleworth, Richard
Stanhope, Charles
Stanley, sir Edward
Sutton, sir Robt. K.B.
Taylor, Joseph
Trelawney, Edward
Tufton, Sackville
Tyrconnel, visc.
Vane, visc.
Vane, hon. Henry
Vernon, capt. Edw.
Vyner, Robert
Walden, lord Henry
Waller, Edmund
Waller, Harry
Ward, John
Wardour, William
Weaver, John
Worsley, James
Wortley, Edw. Mont.
Wyndham, Thomas
Wyndham, sir Will.

April 30. The Commons, in a grand Committee, considered of a Bill for settling the price of Corn and Grain imported, &c. and after some debate, the Resolution for granting to his Majesty the sum of 115,000*l.* on account of Arrears due on the Civil List Revenues, were made part of that Bill, which afterwards passed into an Act.

First Report of the Select Committee on the State of the Gaols of this Kingdom.] February 25. The Commons appointed a Committee to enquire into the State of the Gaols of this Kingdom, and report the same, with their opinion thereupon, to the House.*

* "Some public spirited gentlemen, at the head of whom were, Mr. afterwards General Oglethorpe, had received intimations of the cruelties and oppressions practised throughout

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March 20. Mr. Oglethorpe,* from the Committee appointed to enquire into the State of the Gaols of this Kingdom, made a Report of some progress which the Committee had made in their Enquiry into the State of the Fleet Prison, with the Resolutions of the Committee thereupon: And he read the Report in his place, and afterwards delivered the same (with two Appendixes) in at the clerk's table; where the Report was read, and is as followeth; viz.

FIRST REPORT
OF THE
SELECT COMMITTEE
APPOINTED TO ENQUIRE INTO THE STATE OF THE GAOLS OF THIS KINGDOM.

STATE OF THE FLEET PRISON.

The Committee having, in pursuance of the Order of this House of the 25th day of Feb., to enquire into the State of the Gaols of this Kingdom, adjourned to the Fleet, and at several times examined into the State of that Prison, have made some progress therein, which they have thought fit to lay before the House.

The Committee find, that the Fleet prison is an ancient prison, and formerly used for the reception of the prisoners committed by the Council Table, then called the Court of the Star-chamber, which exercised unlimited au-

almost all the Gaols in the kingdom, upon prisoners, and more particularly in his Majesty's Prison of the Fleet. Upon this, a Committee, of which Mr. Oglethorpe was chairman, was appointed to enquire into the State of the Gaols all over the kingdom; and on the 27th of Feb. repaired to the Fleet Prison, that they might examine the prisoners in their own persons. One Bambridge acted then as warden of the Fleet, and the Committee found sir William Rich, baronet, by his command, loaded with heavy irons, which they ordered to be taken off. But upon their retiring, Bambridge understanding that sir William had given evidence to the Committee, which was very unfavourable for himself, he ordered him again into irons, for which the House immediately committed him to the custody of the serjeant at arms. The farther the Committee proceeded in their enquiries, the more dismal and shocking was the scene of cruelty, barbarity and extortion, which they disclosed. Upon this, March the 28th, the House came to an unanimous resolution, 'That Thomas Bambridge, the 'then warden, John Huggins, the late warden, 'who had acted in the same cruel, oppressive 'manner, James Barnes, William Pindar, John 'Everett and Thomas King, who were accom-'plices in the same crimes, be committed close 'prisoners to Newgate:' and his Majesty at the same time was addressed, to order his Attorney General to prosecute them: a Bill was likewise brought in, to disable Bambridge from holding the office of Warden; and another, for better regulating the Prison of the Fleet, and for more effectual preventing and punishing arbitrary and illegal practices of the Warden of the said Prison. A Report of the Proceedings of the Committee, relating to the Fleet Prison, was likewise ordered to be printed. In this Report, the clearest proofs were brought, not only of extortion and oppression, but even of murders being committed by the Warden and his gaolers; the particulars of which being improper for general history, we shall omit." Tindal.

* "One driv'n by strong benevolence of soul,
"Shall fly, like Oglethorpe, from pole to pole."
Pope.

"Here are lines that will justly confer immortality on a man who well deserved so magnificent an eulogium. He was at once a great hero and a great legislator. The vigour of his mind and body have seldom been equalled. The vivacity of his genius continued to a great old age. The variety of his adventures, and the very different scenes in which he had been engaged, makes one regret that his Life never was written. Dr. Johnson once offered to do it, if the General would furnish the materials. Johnson had a great regard for him, for he was one of the first persons that highly, in all companies, praised his "London." His first Campaign was made under Prince Eugene, against the Turks; and this great general always spoke of Oglethorpe in the highest terms. Neither he nor Eugene loved Marlborough. He once told me, (for I had the pleasure of knowing him well,) that Eugene, speaking of Marlborough, said, 'There is a great difference in making 'war *en maitre*, or *en avocat*.' But his settlement of the Colony in Georgia, gave a greater lustre to his character than even his military exploits." Warton.

"One of the warmest patrons of Dr. Johnson's "London," on its first appearance, was General Oglethorpe, whose 'strong benevo-'lence of soul,' was unabated during the course of a very long life; though it is painful to think, that he had but too much reason to become cold and callous, and discontented with the world, from the neglect which he experienced of his public and private worth, by those in whose power it was to gratify so gallant a veteran with marks of distinction. This extraordinary person was as remarkable for his learning and taste, as for his other eminent qualities; and no man was more prompt, active and generous, in encouraging merit. I have heard Johnson gratefully acknowledge, in his presence, the kind and effectual support, which he gave to his "London," though unacquainted with its author. Dr. Johnson urged General Oglethorpe to give the world his Life. He said, 'I know no man whose Life would 'be more interesting. If I were furnished 'with materials, I should be very glad to write 'it.' Boswell's Life of Dr. Johnson.

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thority and inflicted heavier punishments, than by any law were warranted.

And as that assumed authority was found to be an intolerable burden to the subject, and the means to introduce an arbitrary power and government, all jurisdiction, power and authority belonging unto or exercised in the same court, or by any the judges, officers, or ministers thereof, were clearly and absolutely dissolved, taken away, and determined, by an Act made in the 16th year of the reign of king Charles the first.

And thereby, the Committee apprehend, all pretences of the Warden of the Fleet to take fees from archbishops, bishops, temporal peers, baronets and others of lower degree, or to put them in irons, or exact fees for not doing so, were determined and abolished.

That after the said Act took place, the Fleet prison became a prison for debtors, and for contempts of the courts of Chancery, Exchequer and Common Pleas only, and fell under the same regulations as other gaols of this kingdom.

That by an Act of the 22nd and 23rd of king Charles 2nd, the future government of all prisons was vested in the lords chief justices, the chief baron, or any two of them for the time being, and the justices of the peace in London, Middlesex and Surrey, and the judges for the several circuits, and the justices of the peace for the time being in their several precincts; and pursuant thereunto, several Orders and Regulations have been made (the last of which is hereunto annexed in the Appendix, marked letter A) which the present Warden of the Fleet hath not regarded or complied with; but hath exercised an unwarrantable and arbitrary power, not only in extorting exorbitant fees, but in oppressing prisoners for debt, by loading them with irons, worse than if the Star-chamber was still subsisting, and contrary to the Great Charter, the foundation of the liberty of the subject, and in defiance and contempt thereof, as well as of other good laws of this kingdom.

It appears by a patent of the 3rd year of queen Elizabeth, recited in letters patent, bearing date the 19th of king Charles 2nd, that the Fleet prison was an ancient prison, called, Prisona de le Fleet, alias, the queen's gaol of the Fleet; and that certain Constitutions were then established by agreement between Richard Tyrrell, warden, and the prisoners of the Fleet, and a Table of Fees annexed, in which the fees to be paid by an archbishop, duke, marquis, earl, or other lord spiritual or temporal, are particularly mentioned, and the fine ascertained, which they are to pay for the liberty of the house and irons; and that these constitutions and orders were confirmed by the said letters patent of king Charles 2nd; which letters patent grant the office of Warden of the Fleet, and of the keeper of the old palace at Westminster, the shops in Westminster-hall, certain tenements adjoining to the Fleet, and other rents and profits belonging to the Warden, to sir Jeremy Whichcot and his heirs, for ever; and the said sir Jeremy rebuilt the said prison at his own expence, as a consideration for the grant thereof; but the said prison, and the custody of the prisoners, being a freehold, and falling by descent or purchase, into the hands of persons incapable of executing the office of Warden, was the occasion of great abuses, and frequent complaints to parliament, till at length the patent was set aside.

And a patent for life was granted to Baldwyn Leighton, esquire, in consideration of his great pains and Expences in suing the former patentees to a forfeiture: and, he soon dying, John Huggins, esquire, by giving 5,000*l.* to the late Lord Clarendon, did, by his interest, obtain a grant of the said office for his own son's life.

That, during the time the said Huggins possessed the said office of warden of the fleet, Thomas Periom, a prisoner in that prison, charged with 40,000*l.* debt (the greatest part thereof to the crown) escaped, having the liberty of the rules by permission of the said Huggins, for which escape Huggins pretends, he hath obtained a Quietus; and since that time, Joseph Vains, charged with 10,000*l.* debt to the crown, having like liberty of the rules, also escaped.

That Thomas Dumay made several voyages to France, whilst a prisoner in the Fleet, and in custody of the said Huggins, and there bought wines, some of which were delivered to the said Huggins; and Dumay drew several bills, whilst in France, to the value of 320*l.* on Richard Bishop, one of the tipstaffs of the said prison, who paid 300*l.* and the said Huggins paid the rest: Thus by the punctual payment of the said bills, Dumay acquired a credit in France, and drew for a further sum, and then returned to England; and, when the bills came for payment, the said Richard Bishop refused to accept them; and the merchants upon Dumay's return, endeavouring to get the money of him, who was the drawer of the bills, found him a prisoner in the rules, and had no remedy.

The said John Huggins owned to the committee, that so many prisoners had escaped, during the time he was warden, that it was impossible to enumerate them, he having kept no list of the persons so escaped.

He also owned to the Committee, that in his time Oliver Reed made his escape, when there was a great funeral, and, whilst the doors were open, he went off: that afterwards, being retaken, he, the said Huggins, sent him to a spunging-house, kept by Richard Corbett, one of the tipstaffs belonging to the said prison; where he was locked up, ironed and stapled down, by his order, though not condemned by any Court of Justice.

That it appeared to the Committee, that in the year 1725, one Mr. Arne, an upholder, was carried into a stable, which stood, where the strong room on the master's side now is, and was there confined (being a place of cold restraint) till he died; and that he was in good

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state of health, before he was confined to that room.

That the said John Huggins growing in years, and willing to retire from business, and his son not caring to take upon him so troublesome an office, he hath for several years been engaged in continual negotiations about the disposal of disposal of the said office: and in August last concluded a final treaty with Thomas Bambridge and Dougal Cuthbert, esquires, and for 5,000*l.* to be paid unto him, obliged himself to surrender the said patent for his and his son's life, and procure a new patent for the said Bambridge and Cuthbert; which the said Huggins did accordingly obtain: and Cuthbert paid in money or gave good security fo pay, 2,500*l.* for one moiety of the said office of warden, and Bambridge gave land, and other security, which the said Huggins was then content with, for 2,500*l.* being for the other moiety of the said office.

That, upon inspection and examination on the common side of the prison, in the three wards, called the upper chapel, the lower chapel, and Julius Cæsar's, ninety-three persons were confined, who are obliged to lie on the floor, if they cannot furnish themselves with bedding, or pay 1*s.* per week to such prisoner, as is so provided.

That the Lyons Den, and Womens Ward, which contain about eighteen persons, are very noisome, and in very ill repair.

That there are several rooms in the chapel stairs, for each of which 5*l.* a year is now paid, but did formerly belong to the common side, and for which nothing was paid, until charged by Mrr Huggins at 3*l.* a year each; and on this floor there are several persons, who are uncertain, what chamber rent they shall be obliged to pay, and are at the mercy of the warden.

That in some rooms persons, who are sick of different distempers, are obliged to lie together, or on the floor: one, in particular, had the small pox, and two women were ordered to lie with her; and they pay 2*s.* 10*d.* per week each for such lodging.

That in all the rooms (except very few) the furniture is provided by the prisoners, and those, which are furnished by the warden, are extremely bad.

That there was a regulation by the Judges in Trinity Term, 1727, by which the warden ought to furnish all the rooms, and in such case the prisoners to pay 2*s.* 6*d.* per week for each room, so furnished; but now there are several rooms, in each of which there are two, three, and four, beds, and in each bed two, and sometimes three, persons, who pay 2*s.* 10*d.* each per week for such lodging.

That the walls, which secure the prison, are 25 foot high, with pallisadoes on the top, and in good repair; and no seeming possibility for any prisoner to escape.

That at the end of the place called the Base, a watchhouse was built about a year since, wherein are kept several muskets and bayonets, as are likewise several others in a room fronting Fleet Ditch; whereas formerly only pikes and halberts were kept in that part of the prison, which is called the lodge.

That several men called Watchmen, and under the pay of Mr. Bambridge, belong to the prison, one of which Bambridge ordered to fire upon Captain Mackpheadris, upon the dispute which happened between them; but the watchman fearing the consequence, refused to obey him.

That the windows of the prison are in very bad repair, to the great prejudice of the health of the prisoners, though by a late order of the judges, they ought to have been kept in good repair by the warden.

That there are three houses adjoining, and belonging to, the prison, which are kept as spunging-houses by tenants to Mr. Bambridge, as warden; in one of which, kept by Corbett, 26 prisoners are confined.

That many or these prisoners pay 2*s.* a day for the use of a room in this house, and for firing 1*s.* and the other prisoners 1*s.* a night for a bed; but, notwithstanding such payments, they are obliged to lie two or more in the same bed: the sums, paid by these twenty-six prisoners (two at 2*s.* per day, and twenty-four at 1*s.* for the use of the lodgings only, being in the whole 1*l.* 8*s.*) amount yearly to 511*l.* besides the money paid for firing, at 1*s.* a day, by such, as have any, and 1*s.* a day for their board.

Some of these prisoners, not being able to pay the 1*s.* a day for eating, procured necessaries to dress their own meat; but Corbett, the tipstaff, would not suffer them so to do, and they are under the necessity of being supplied by their friends or starve.

That lieutenant Jenkin Leyson (now a prisoner with Corbett) paid the following fees, upon his being taken into custody, for one action; viz.

	£.	s.	d.
To the Judge's Clerk - - -	1	2	8
To the Filazer - - - -	0	4	0
To the Warden of the Fleet - -	2	6	8
To Corbett, the Tipstaff - -	0	10	6
To do. for being taken into Custody	1	10	0
To the Turnkeys - - - - -	0	2	6
Total - - - - -	6	16	4

It also appeared, upon the examination of several other prisoners, that they paid the like fees for every single caption; and,

That every prisoner, removed by Habeas Corpus from one place to another, pays to the tipstaff 4*s.* 2*d.* every one brought out of the country by Habeas Corpus, and committed in court for want of bail, pays 13*s.* 4*d.* and every prisoner, carried to Westminster Hall by Habeas Corpus, in order to be charged in execution, pays 10*s.*

That every prisoner pays, at his entrance into the house of the tipstaff, 6*s.* towards a bowl of punch.

That Thomas Hogg, who had been a prisoner in the Fleet prison, and was then discharged by order of court, about eight months after such

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discharge, passing by the door of that prison, stopped, to give charity to the prisoners at the grate, and being seen by James Barnes (one of the said Bambridge's agents, and accomplices) the said Barnes seized, and forced him into Corbett's spunging-house, where he hath been detained ever since (now upwards of nine months) without any cause, or legal authority, whatsoever.

That Corbett, being examined touching the discharge of his prisoners, owned, he never made any regular entry; and that all the original discharges of prisoners, committed to his custody since Mr. Guybon's time, were not received by him from the warden, but left with the turnkey, from whom he only received verbal directions.

The Committee could not get from Mr. Bambridge, or his officers, any List of such prisoners, as have the liberty of the rules and precincts of the Fleet prison; but the Committee obtained, by another hand, a List of 382 persons, with an account of what each person hath paid to the warden for such liberty, and the annual gifts every Christmas, amounting to near 2,828*l.* 17*s.* 4*d.* And it appeared to the Committee, that the prisoners for the greatest debts have not signed the book: That the gratuity to the warden, for the liberty of the rules, is exacted in proportion to the greatness of the debt; and, if all paid, that account would be three times the before-mentioned sum: These sums, so paid, appear to be very extraordinary exactions from the prisoners, and are the more unreasonable, because all prisoners, who have the liberty of the rules, enter into bonds, in very great penalties, with sufficient sureties, for not escaping, the least of which penalties are always double the sums they stand committed for.

Mr. Cotton, clerk of the papers, upon his examination concerning the money, taken by him for day rules, granted to prisoners, confessed, that every prisoner, who has the liberty to go abroad in term time, pays 5*s.* 6*d.* for each day, and for the the first and last days of the term 6*s.* which, he said, is divided in the following manner; viz.

	s.	*d.*
To the Four Judges 8*d.* each - -	1	0
To the Secondary - - - - -	1	8
To the Warden - - - - -	1	0
To the Clerk of the Papers - - -	1	10
	5	6
More to the Clerk of the Papers the first and last day of the term -	0	6
Total - - - - -	6	0

And that in about two years time one gentleman paid 30*l.* for obtaining day rules.

That an act having passed in the sixth year of the late king, for the relief of insolvent debtors, Mr. Fytche did thereupon declare, in the name of the said Mr. Huggins (who had directed him so to do) that, unless every prisoner within the rules would give him two guineas, they should not be listed, in order to be discharged, in pursuance of that act; for that he, the said Huggins, would refuse to swear them his prisoners, as that act required, and would not suffer his deputy to do it; but a list was delivered of about 20 prisoners, then in the rules, who were discharged, having given two guineas each to Huggins, for inserting them in the List, and for swearing them to be his prisoners; and 300 prisoners were carried up to Guildhall, in order to their discharge, but some were refused to be listed, and lost the benefit of the act, because they had not money enough to pay for being put into the List.

That Mr. Huggins, being examined touching an instrument, signed by him in November, 1724, appointing Richard Corbett one of the five tipstaffs of, or belonging to, the Fleet prison, acknowledged, that he had no power, by virtue of any patent from the crown, to constitute such tipstaff; but that, when he came to his office, he found, that such an officer had been so constituted, and he took that for a precedent to do the same.

That there are five Commitment books, wherein the names of all prisoners, committed to the Fleet prison, are, or ought to be, entered: The commencement of the date of the first first book is the 26th of March, 1708, and the last the 6th of May, 1728, to this time.

There is one Book, wherein the names are inserted of those prisoners, who are removed to the Fleet by Habeas Corpus, beginning in Michaelmas Term, 1727, to this time.

There is one Declaration Book, wherein the names of those creditors are inserted, who declare against their debtors, beginning the 23d of January, 1728, to this time.

There is one Lodge Book, wherein the prisoners names are entered, when they come into the prison, beginning November, 1728.

There is one Security Bond book, without date.

That he, the said Mr. Huggins, on Saturday, Sunday, and Monday, the 1st, 2nd, and 3rd of March, 1728 (since the Committee was appointed) did exonerate, or discharge out of the Commitment Books, 119 persons, for several sums, amounting to about 17,099*l.* 6*s.* 7*d.*

He owned, that he has in his custody 52 discharges more, which ought to have been long since discharged, and amount to very great sums of money.

That by the dates in the List, which Mr. Huggins delivered to the Committee, of 119 persons, so discharged, and the 52 to be discharged, it appeared, that many of them ought to have been discharged in the years 1718, 1719, 1720, and so on to this time.

That there are two escape warrants, one of which the judge grants, the other the warden; that which the judge grants carries the prisoner to Newgate, there to remain during life, unless the debt be paid; and that, which the warden grants, is on some information, or pretence,

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that the prisoner is out of the rules, and so remands him to the prison.

One ill use, which is made of keeping the prisoners so long on the Commitment Book, is, that the warden may, at his pleasure, issue his escape warrant against any such person, continued on the Commitment Book, and carry him to the spunging-house, or to the prison, and there detain him, until he squeezes from him all the money, that can possibly be got.

Another ill use, and inconveniency, is, that persons, who have been seven years, or more, out of the rules, or out of the prison (their names remaining in the Commitment Book) return, after having contracted new debts, and so become prisoners again fraudulently, to obtain the benefit of the usual acts for relief of insolvent debtors.

That the date of the Habeas Corpus book being but in Michaelmas Term 1727, the date of the declaration book the 23rd of January, 1728, and the date of the lodge book November, in 1728, the Committee conceive, from such late dates, that there must be a concealment of former books of that kind, or that they are destroyed; either of which must tend to the great prejudice of the prisoners, and the creditors, and to the suppressing the truth in this enquiry.

That, since the said Thomas Bambridge has acted as warden, the books, belonging to the office of the warden, have been very negligently kept, and the discharges not duly entered, to the great prejudice of many of his Majesty's subjects; and he hath not regularly taken charge of the prisoners, committed to his care by his patent, and hath not, as he himself confesseth, ever had any authentic list of the prisoners in the rules delivered him; so he cannot have executed the trust of keeping his prisoners in safe custody when he did not know, who, or where, they were.

The Committee find, that the said Thomas Bambridge, who for some years acted as deputy-warden of the Fleet, and is now actually warden of that prison, hath himself been aiding and assisting in an escape; that he caused a private door to be made through the walls of the prison, out of the yard, where the dogs are, the key of which door was kept by himself; and he with his own hands opened the door, and let out Boyce, the smuggler, charged, at the King's suit with upwards of 30,000*l.* and was afterwards seen at Islington, and hath been several times let out of the prison by Bambridge.

That William Kilberry was allowed by Bambridge to go out of the prison, and the rules thereof, though charged at the suit of the crown with the sum of 5,820*l.*

That William Booth, charged with 5,820*l.* at the suit of the crown, though committed close prisoner, was also suffered to go out of the prison, and the rules thereof.

That William Talure, committed by the Court of Common Pleas for 740*l.* upon mesne process, and charged with forgery, hath been suffered to go out of the Fleet prison to Wem, in the county of Salop, where, the Committee are informed, he still remains.

That the said James Barnes (though a prisoner in the Fleet prison upon execution) hath been permitted, during this enquiry, to come from thence to Westminster, to the said Bambridge, when in custody of the messenger to the Serjeant at Arms attending this House.

The Committee find, that the said Bambridge hath, by himself, and his agents, often refused to admit prisoners into the prison, though committed by due course of law; and, in order to extort money from them, hath often, contrary to an act, of the 22nd and 23rd of king Charles 2, without their free and voluntary consent, caused them to be carried away from the prison gate unto a public victualling or drinking house, commonly called a spunging house, belonging to him the said Bambridge, as warden, and rented of him by Corbett, his tipstaff, and hath there kept them at exorbitant charges, and forced them to call for more liquor, than they were inclined to, and to spend more, than they were able to afford, to the defrauding their creditors, and the distressing of their families, whose substance they are compelled there to consume; and, for the more effectual making them stretch their poor remains of credit, and to squeeze out of them the charity of their friends, each prisoner is better or worse treated, according to his expences, some being allowed a handsome room and bed to themselves, some stowed in garrets, three in one bed, and some put in irons.

That these houses were further used by the said Bambridge as a terror for extorting money from the prisoners, who, on security given, have the liberty of the rules: of which Mr. Robert Castell was an unhappy instance; a man born to a competent estate: but being unfortunately plunged in debt, was thrown into prison: he was first sent (according to custom) to Corbett's; from whence he, by presents to Bambridge, redeemed himself, and, giving security, obtained the liberty of the rules; notwithstanding which, he had frequently presents (as they are called) exacted from him by Bambridge, and was menaced, on refusal, to be sent back to Corbett's again.

The said Bambridge having thus unlawfully extorted large sums of money from him in a very short time, Castell grew weary of being made such a wretched property, and resolving not to injure farther his family or his creditors, for the sake of so small a liberty, he refused to submit to further exactions; upon which the said Bambridge ordered him to be re-committed to Corbett's where the small pox then raged, though Castell acquainted him with his not having had that distemper, and that he dreaded it so much, that the putting him into a house, where it was, would occasion his death, which, if it happened, before he could settle his affairs, would be a great prejudice to his creditors, and would expose his family to destruction; and therefore he earnestly desired, that he might either be sent to another house,

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or even into the gaol itself, as a favour: the melancholy case of this poor gentleman moved the very agents of the said Bambridge to compassion, so that they also used their utmost endeavours to dissuade him from sending this unhappy prisoner to that infected house; but Bambridge forced him thither, where he (as he feared he should) caught the small pox, and in a few days died thereof, justly charging the said Bambridge with his death, and unhappily leaving all his affairs in the greatest confusion, and a numerous family of small children in the utmost distress.

It appeared to the Committee, that the letting out of the Fleet tenements to victuallers, for the reception of prisoners, hath been but of late practised; and that the first of them, let for this purpose, was to Mary Whitwood, who still continues tenant of the same; and that her rent has, from 32*l.* per annum, been increased to 60*l.* and a certain number of prisoners stipulated to be made a prey of, to enable her to pay so great a rent; and that she, to procure the benefit of having such a number of prisoners sent to her house, hath, over and above the increased rent, been obliged to make a present to the said Bambridge of 40 guineas, as also of a toy (as it is called) being the model of a Chinese ship, made of amber, set in silver, for which fourscore broad pieces had been offered her.

This is the first method of extorting money from the unhappy prisoners; and, when they can no longer bear the misery and expence of a spunging-house, before they can obtain the privilege of being admitted into the prison, they are obliged to comply with such exorbitant fees, as the said Bambridge thinks fit to demand; which if they do not, they are sure, under various pretences, of being turned down to the common side, if not put in irons, and dungeons; and this has been done to those, who were willing, and offered to pay the fees, established by the regulation, made by the judges of the Common Pleas in Trinity term, 1727, which ought to have been hung up in some public place in the prison, to which the prisoners might have free access, but was secreted by the said James Barnes, pursuant to the orders of the said Bambridge; which Table of Fees seems to be unreasonable, because it obliges men, who are committed for not being able to pay their debts, to pay such sums of money, as their circumstances render them altogether unable to comply with.

And this Table of Fees was fraudulently obtained by the said Bambridge; for it appeared to the Committee, that, upon complaint of the prisoners of the Fleet to the court of Common Pleas, the order, made by lord chief justice Herbert, establishing the fees of that gaol, was ordered to be read: which order was founded upon institutions made in the year 1651, in which was a Table of Fees; two items whereof being taken away, the rest remained, as follows:

	£.	s.	d.
To the Warden, for the Liberty of his House and Irons	1	6	8
For the Dismission Fee	0	7	4
To the Clerk, for making the Obligation	0	2	4
For entering the Name, and Cause	0	0	4
To the Chamberlain	0	1	0
To the Gaoler	0	1	0
To the Porter	0	1	0
To a Gallon of Wine	0	2	8
And a Fee, added by Order of Court, to the Chaplain	0	2	0
Total	2	4	4

And the said Bambridge read the said order, and, instead of reading the particular items, he read only the said sum total of 2*l.* 4*s.* 4*d.* and thereby he induced the judges to believe, that the said sum was the fee due to the Warden; and accordingly they ordered that 2*l.* 4*s.* 4*d.* to be paid, as due to the Warden for a commitment fee, and ordered the other fees, due to the Chamberlain, Gaoler, and others, to be paid, over and above the said 2*l.* 4*s.* 4*d.* and the same have been ever since taken, besides the 7*s.* 4*d.* to the Warden, upon the prisoner's discharge, notwithstanding they are all included in the 2*l.* 4*s.* 4*d.*

The said Judges of the Common Pleas seeming to be of opinion, that every action, to which a prisoner was rendered in discharge of his bail, was a separate commitment, and that there was a separate commitment fee due upon each action, the said Bambridge has thereupon received six or seven times 2*l.* 4*s.* 4*d.* of a single person, as his bare commitment fees; whereby the prisoner has paid six times for the liberty of the house and irons, six dismission fees, for six obligations (though none given) six fees to the Chamberlain, Porter, Gaoler, &c. and six gallons of wine; and the prisoner pays the Chamberlain, Gaoler, &c. for his discharge besides.

The said Bambridge likewise takes a fee of 3*l.* 6*s.* 8*d.* from every prisoner, committed by the Exchequer, or Chancery; whereas there is no such fee due, nor any distinction in the table of fees between the commitment of one court, or another.

And for a more particular Account of the Fees, Chamber Rent, and Dues to the Chaplain, the Committee refer to the annexed Appendix, marked with the Letter B.

And, notwithstanding the payment of such large fees, in order to extort further sums from the unfortunate prisoners, the said Bambridge unjustly pretends, he has a right, as Warden, to exercise an unlimited power of changing prisoners from room to room, of turning them into the common side, though they have paid the master's side fee, and inflicting arbitrary punishments, by locking them down in unwholesome dungeons, and loading them with torturing irons; some instances of which follow; viz.

Jacob Mendes Solas, a Portuguese, was, as

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far as it appeared to the Committee, one of the first prisoners for debt, that ever was loaded with irons at the Fleet. The said Bambridge one day called him into the gate-house of the prison, called The Lodge; where he caused him to be seized, fettered, and carried to Corbett's, the Spunging-house, and there kept for upwards of a week; and, when brought back into the prison, Bambridge caused him to be turned into the Dungeon, called The Strong Room of the master's side.

This place is a vault, like those in which the dead are interred, and wherein the bodies of persons, dying in the said prison, are usually deposited, till the coroner's inquest hath passed upon them: It has no chimney, nor fire-place, nor any light, but what comes over the door, or through a hole of about eight inches square: It is neither paved nor boarded; and the rough bricks appear both on the sides and top, being neither wainscoted nor plaistered: What adds to the dampness and stench of the place, is, its being built over the common shore, and adjoining to the sink and dunghill, where all the nastiness of the prison is cast. In this miserable place the poor wretch was kept by the said Bambridge manacled and shackled for near two months. At length, on receiving five guineas from Mr. Kemp, a friend of Solas's, Bambridge released the prisoner from his cruel confinement; but, though his chains were taken off, his terror still remained; and the unhappy man was prevailed upon, by that terror, not only to labour gratis for the said Bambridge, but to swear also, at random, all that he hath required of him: and the Committee themselves saw an instance of the deep impression his sufferings had made upon him; for, on his surmising, from something said, that Bambridge was to return again as Warden of the Fleet, he fainted, and the blood started out of his mouth and nose.

Captain John Mackpheadris, who was bred a merchant, is another melancholy instance of the cruel use, the said Bambridge hath made of his assumed authority. Mackpheadris was a considerable trader, and in a very flourishing condition, until the year 1720, when, being bound for large sums to the crown for a person, afterwards ruined by the misfortunes of that year, he was undone. In June 1727, he was prisoner in the Fleet; and, although he had before paid his commitment fee, the like fee was extorted from him a second time; and he having furnished a room, Bambridge demanded an extravagant price for it, which he refused to pay; and urged, that it was unlawful for the Warden to demand extravagant rents, and offered to pay what was legally due: notwithstanding which, the said Bambridge, assisted by the said James Barnes, and other accomplices, broke open his room, and took away several things of great value, amongst others, the King's extent in aid of the prisoner (which was to have been returned in a few days, in order to procure the debt to the crown, and the prisoner's enlargement) which Bambridge still detains: Not content with this, Bambridge locked the prisoner out of his room, and forced him to lie in the open yard, called the Bare. He sat quietly under his wrongs, and, getting some poor materials, built a little hut, to protect himself, as well as he could, from the injuries of the weather. The said Bambridge, seeing his unconcernedness, said, "Damn him, "he is easy! I will put him into the Strong "Room before to-morrow;" and ordered Barnes to pull down his little hut: which was done accordingly. The poor prisoner, being in an ill state of health, and the night rainy, was put to great distress. Some time after this he was, about eleven a clock at night, assaulted by Bambridge, with several other persons, his accomplices, in a violent manner; and Bambridge, though the prisoner was unarmed, attacked him with his sword, but by good fortune was prevented from killing him; and several other prisoners coming out, upon the noise, they carried Mackpheadris, for safety, into another gentleman's room. Soon after which, Bambridge, coming with one Savage, and several others, broke open the door; and Bambridge strove with his sword to kill the prisoner; but he again got away, and hid himself in another room. Next morning the said Bambridge entered the prison with a detachment of soldiers, and ordered the prisoner to be dragged to the lodge, and ironed with great irons: on which he desiring to know, for what cause, and by what authority, he was to be so cruelly used, Bambridge replied, It was by his own authority; and, damn him, he would do it, and have his life! The prisoner desired, he might be carried before a magistrate, that he might know his crime, before he was punished; but Bambridge refused; and put irons upon his legs, which were too little, so that, in forcing them on, his legs were like to have been broken, and the torture was impossible to be endured: upon which the prisoner complaining of the grievous pain, and straitness of the irons, Bambridge answered, that he did it on purpose to torture him: on which the prisoner replying, that by the law of England no man ought to be tortured; Bambridge declared, that he would do it first, and answer for it afterwards; and caused him to be dragged away to the dungeon; where he lay without a bed, loaded with irons, so close rivited, that they kept him in continual torture, and mortified his legs. After long application his irons were changed, and a surgeon directed to dress his legs; but his lameness is not, nor ever can be, cured. He was kept in this miserable condition for three weeks, by which his sight is greatly prejudiced, and in danger of being lost.

The prisoner, upon this usage, petitioned the judges; and, after several meetings, and a full hearing, the judges reprimanded Mr. Huggins and Bambridge, and declared, that a gaoler could not answer the ironing of a man, before he was found guilty of a crime: but, it being out of term, they could not give the prisoner any relief or satisfaction.

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Notwithstanding this opinion of the Judges, the said Bambridge continued to keep the prisoner in irons, till he had paid him six guineas; and, to prevent the prisoner's recovering damages for the cruel treatment of him, Bambridge indicted him, and his principal witnesses, at the Old Bailey, before they knew any thing of the matter; and, to support that indictment, he had recourse to subornation, and turned two of his servants out of places, which they had bought, because they would not swear falsely, that the prisoner had struck the said Bambridge; which words he had inserted in affidavits, ready prepared for signing, and which they knew to be false. As soon as they were apprised of it, they applied to the lord mayor, who ordered the grand jury down to the Fleet; where they found that Bambridge was the aggressor; but the bill against the prisoners being already found, the second enquiry was too late.

The prisoners, being no longer able to bear the charges of prosecution, which had already cost 100*l.* and being softened by promises, and terrified by threats, submitted to plead guilty, on a solemn assurance, and agreement, made with Bambridge before witnesses, of having but one shilling fine laid upon them; but, so soon as they had pleaded guilty, Bambridge took advantage of it, and has continued harrassing them, and their securities, ever since.

The desire of gain urged the said Bambridge to the preceding instances of cruelty; but a more diabolical passion, that of malice, animated him to oppress Captain David Sinclair in the following manner:

At the latter end of June, or beginning of July, last, the said Bambridge declared to the said James Barnes, one of the agents of his cruelties, that he would have Sinclair's blood; and he took the opportunity of the first festival day, which was on the first of August following, when, he thought, captain Sinclair might, by celebrating the memory of the late King, be warmed with liquor so far, as to give him some excuse for the cruelties, which he intended to inflict upon him: but in some measure he was disappointed; for captain Sinclair was perfectly sober, when the said Bambridge rushed into his room, with a dark lanthorn in his hand, assisted by his accomplices James Barnes and William Pinder, and supported by his usual guard, armed with muskets and bayonets, and, without any provocation given, run his lanthorn into captain Sinclair's face, seized him by the collar, and told him, he must come along with him. Captain Sinclair, though surprised, asked, for what, and by what authority, he so treated him: upon which Barnes, and the rest, seized captain Sinclair; who still desiring to know, by what authority they so abused him, Bambridge grossly insulted him, and struck him with his cane on the head and shoulders, whilst he was held fast by Pindar and Barnes. Such base and scandalous usage of this gentleman, who had in the late wars always signalised himself with the greatest courage, gallantry, and honour, in the service of his country, upon many the most brave and desperate occasions, must be most shocking and intolerable; yet captain Sinclair bore it with patience, refusing only to go out of his room, unless he was forced: whereupon the said Bambridge threatened to run his cane down his throat, and ordered his guard to stab him with their bayonets, or drag him down to the said dungeon, called The Strong Room; the latter of which they did; and Bambridge kept him confined in that damp and loathsome place, till he had lost the use of his limbs, and memory, neither of which has he perfectly recovered to this day. Many aggravating cruelties were used, to make his confinement more terrible; and, when Bambridge found, he was in danger of immediate death, he removed him, for fear of his dying in duress, and caused him to be carried, in a dying condition, from that dungeon to a room, where there was no bed, or furniture; and so unmercifully prevented his friends having any access to him, that he was four days without the least sustenance.

It appeared to the Committee, by the evidence of a surgeon, and others, who were prisoners in the house, that, when captain Sinclair was forced into that loathsome dungeon, he was in perfect health.

Captain Sinclair applied for remedy at law against the said cruelties of Bambridge, and had procured a Habeas Corpus, for his witnesses to be brought before the sessions of Oyer and Termmer; when the said Bambridge, by colour of his assumed authority as warden, took the said writs of Habeas Corpus from the officer, whose duty it was to make a return of them, and commanded him to keep out of the way; whilst he himself went to the Old Bailey, and immediately indicted captain Sinclair, and such of his witnesses, as, he knew, he could not deter by threats, or prevail with by promises, to go from the truth.

Captain Sinclair had temper enough to bear patiently almost insupportable injuries, and to reserve himself for a proper occasion, when justice should be done him by the laws of the realm.

But the said Bambridge has forced others, by wrongs and injuries beyond human bearing, to endeavour the avenging injuries and oppressions, which they could no longer endure.

And it appeared to the Committee, that the said Bambridge, in order to avoid the punishment due to these crimes, hath committed greater; and hath not only denied admittance to the solicitors, who might procure justice to the injured prisoners, and in open defiance to the law, disobeyed the King's writs, but hath also seduced some, by indulging them in riot, and terrified others with fear of duress, to swear to, and subscribe, such false affidavits as he thought fit to prepare for them on several occasions; in all which wrongs and oppressions John Everett also acted as one of the said Bambridge's wicked accomplices.

That the said Bambridge, being asked by the Committee, by what authority he pretended to

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put prisoners into dungeons, and irons; answered, that he did it by his own authority, as warden, to preserve the quiet and safety of the custody of the prison.

But it appeared to the Committee, by the examinations of many witnesses, that before the time, when Gybbon and the said Bambridge acted as deputy-wardens under Mr. Huggins, the quiet and safety of the custody were very well preserved, without any use of irons, or dungeons:

That the two dungeons, called, the Strong Room on the master side, and the Strong Room on the common side, were both built within these few years; and that the old method of punishing drunken and disorderly persons was, putting them in the stocks; and the punishment of those, who had escaped, or attempted to escape, was putting them upon a tub at the gate of the prison, by way of public shame, or securing them, without irons, in their proper rooms for some days.

And, that the said dungeons were built in defiance of, and contrary to, the declaration of the lord King, when Lord Chief Justice of the common pleas; who, upon an application made to him on behalf of the prisoners of the Fleet, when Mr. Huggins and Gybbon urged, that there was danger of prisoners escaping, declared, that they might raise their walls higher, but that there should be no prison within a prison.

That, upon the strictest enquiry, the Committee could not find, that any prisoners in the Fleet for debt had been put in irons, before the said Mr. Huggins had the office of Warden.

That it is not the only design of the said Thomas Bambridge to extort money from his prisoners, if they survive his inhuman treatment, but he seems to have a further view, in case it causes death, of possessing himself of their effects; one remarkable proof of which the Committee think proper here to insert; viz.

Mr. John Holder, a Spanish merchant, was a prisoner in the Fleet, and had a room, which he fitted up with his own furniture, and had with him all his books, accounts, and writings, and other effects, to the value of about 30,000*l.* which he declared by affidavit upon the following occasion:

The said Thomas Bambridge by force turned the said Mr. Holder over to the common side, and took possession of his room, in which all his effects were.

Mr. Holder remonstrated strongly against this usage, and Bambridge refusing to restore him to his room, or possession of his effects, he made a proper affidavit, in order to apply to the judges for relief; and declared, that he feared, his effects might be embezzled, whilst he was thus unjustly forced from them, and that he feared, Bambridge's cruel treatment of him would be the cause of his death. The miseries of the common side, which he dreaded, had such an effect upon him (being a man of an advanced age, and accustomed to live in ease and plenty) that it threw him into such a fit of sickness, as made his life despaired of; and in his illness he often declared, that the villain Bambridge would be the occasion of his death: which proved true; for Bambridge finding Mr. Holder like to die in the duress, which he had put him into (for his own sake, to avoid the punishment, inflicted by law upon gaolers, who so inhumanly destroy their prisoners) permitted him to be carried back to his room, where in a few days he died of the said sickness, contracted by the said forcible removal of him to the common side by Bambridge, as aforesaid.

Mr. Holder by his last will appointed major Wilson and Mr. John Pigott trustees for his son, a youth of about 13 years of age, who had accompanied him in the time of his confinement.

This young gentlemen, after his father's death, locked up his effects in several trunks and boxes, and delivered the keys thereof to Mr. Pigott, as his trustee; who locked up the room, and took the key with him; but the said Thomas Bambridge caused the said room to be broke open by Thomas King, another of his accomplices, and caused the said effects to be seized, after that he (Bambridge) had forced Mr. Pigott out of the prison (though a prisoner in execution) and locked down major Wilson (the other trustee) in the dungeon, to prevent their taking any inventory in behalf of the heir at law, then an orphan.

These evil practices of letting out prisoners extorting exorbitant fees, suffering escapes, and exercising all sorts of inhumanity, for gain, may in a great measure be imputed to the venality of the warden's office; for the warden, who buys the privilege of punishing others, does consequently sell his forbearance at high rates, and repair his own charge, and loss, at the wretched expence of the ease and quiet of the miserable objects in his custody.

Upon the whole matter, the Committee came to the following resolutions; viz.

"Resolved, That it appears to this Committee,
"That Thomas Bambridge, the acting warden of the prison of the Fleet, hath wilfully permitted several debtors to the crown in great sums of money, as well as debtors to divers of his Majesty's subjects, to escape, hath been guilty of the most notorious breaches of his trust, great extortions, and the highest crimes and misdemeanors, in the execution of his said office, and hath arbitrarily and unlawfully loaded with irons, put into dungeons, and destroyed, prisoners for debt under his charge, treating them in the most barbarous and cruel manner, in high violation and contempt of the laws of this kingdom.

"Resolved, That it appears to this Committee,
"That John Huggins, esq. late warden of the prison of the Fleet, did, during the time of his wardenship, wilfully permit many considerable debtors in his custody

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" to escape, and was notoriously guilty of " great breaches of his trust, extortions, " cruelties, and other high crimes and mis- " demeanors, in the execution of his said " office, to the great oppression and ruin of " many of the subjects of this kingdom.

APPENDIX A.

Serjeants Inn Hall, Trinity Term, 1727.

The TABLE OF FEES, ordered by the Judges to be paid by the prisoners of the Fleet to the Warden, and his Agents, and to be hung up in the Hall of the said Prison.

Whereas several matters, in controversy between the prisoners and the Warden of the Fleet, were heard by the right hon. sir Robert Eyre, knight, Lord Chief Justice of his Majesty's Court of Common Pleas at Westminster, the Honourable Robert Price, esq. sir Francis Page, knight, and Alexander Denton, esq. justices of the said court, at Serjeants Inn Hall in Chancery Lane, on Monday, the 24th day of April, on Wednesday, the 26th day of the same month of April, on Monday, the first day of May following, and on Friday, the 5th day of the same month of May, in Easter Term in the 13th year of the reign of our Sovereign lord King George, Annoque Domini 1727, upon which hearing the Lord Chief Justice of the said court came to the following resolutions; viz.

	£.	s.	d.
That there is due, and ought to be paid, to the Warden of the Fleet, for every commitment fee (exclusive of Commons) from all persons of the degree of an esquire, gentleman, or gentlewoman, or any other person under those degrees, who shall enter on the master's side of the said prison, 2*l.* 4*s.* 4*d.* - - - - - - -	2	4	4
And that there ought to be paid to the Warden, for every such person, for the use of the minister of the said prison, 2*s.* - - - - - -	0	2	0
That there is due, and ought to be paid, to the Warden of the Fleet, for a commitment fee, for every prisoner in wards, or common side, not taking part of the poor's box, 1*l.* 6*s.* 4*d.* - - - - - - - - - - -	1	6	4
And every such person ought to pay the warden, for the use of the minister of the said prison, 1*s.* - -	0	1	0
And every prisoner, taking part of the poor's box, ought to pay to the Warden 7*s.* 4*d.* and no more, for his commitment fee, and nothing for the minister - - - - - - -	0	7	4
That there is due, and ought to be paid, to the Warden of the Fleet, for every render in each cause, 2*l.* 4*s.* 4*d.* and nothing to the minister - - -	2	4	4
That there is due, and ought to be paid, to the Chamberlain, as his fee, for every prisoner's entrance into the house, 1*s.* and no more - - -	0	1	0
That there is due and ought to be paid, to the Warden, for every prisoner's discharge, either by creditor, or supersedeas, as a fee for his dismission out of prison, without any regard to the number of causes, wherewith he stands charged, 7*s.* 6*d.* and no more - - - - - - -	0	7	6
That there is due, and ought to be paid, to the clerk of the papers, for every discharge of every action, 2*s.* 6*d.* - - - - - - -	0	2	6
And for the copy of every cause, not exceeding three, 1*s.* - -	0	1	0
And for every cause, exceeding three causes, 4*d.* besides the 1*s.* a-piece for each of the said first three causes - - - - - - -	0	0	4
That there is due, and ought to be paid, to the clerk of the papers, for his certificate of the prisoner's discharge, delivered to the prisoner himself, without any regard to the number of causes he stood charged with, 2*s.* 6*d.* and for his certificate to the warden, for such discharge, 2*s.* 6*d.* - - - - - - -	0	5	0
That there is due, and ought to be paid, to the clerk of the enquiries, on the discharge of a prisoner by the creditors, and not by Supersedeas, 2*s.* 6*d.* - - - - - - -	0	2	6
That there is due, and ought to be paid, to the turnkey (who is now both porter and gaoler) for the prisoner's entrance into the house, 2*s.* and for such prisoner's discharge, to the turnkey (being porter and gaoler) 2*s.* 6*d.* - - - - - - -	0	4	6
That there is due, and ought to be paid, to the turnkey, for every declaration, delivered to him for a prisoner, 1*s.* - - - - - - -	0	1	0
That there is no fee due to the warden, upon his accepting security, on the prisoner's having the benefit of day rules.			
That there is no fee due to the warden for lodging and chamber rent, where the prisoner has not actual possession of the chamber; but there is due to the warden for every prisoner or prisoners his or their lodging or chamber rent 2*s.* 6*d.* per week, such lodging or chamber being furnished - - - - - - -	0	2	6
That there is due to the minister, that officiates, and performs divine service, within the said prison, for the time being, from every prisoner within the walls of the said prison, or without the walls, or within the rules, 4*d.* per week, to be paid to the warden for the use of such minister: And that no such minister,			

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or any other clergyman, being a prisoner within the walls, or rules, of the Fleet, do presume to marry any person, without licence, within the prison, or rules, of the Fleet; and that the warden, and his officers, do use their utmost vigilance to prevent all such marriages.

That there is no fresh commitment fee due to the warden, upon the prisoner's bringing himself back to the Fleet by Habeas Corpus, when the warden himself had removed him thence by Habeas Corpus; and that there is no fee, gratuity, or reward, due to the warden, for his returning a Habeas Corpus; but there is a fee of 5*s.* 4*d.* due to the clerk of the papers, for the allowance of every writ of Habeas Corpus, and 4*s.* for the return of the first cause, and 2*s.* for every other cause, and no more - - - - - - 0 11 4

That, when a prisoner dies in the Fleet, the warden shall detain the body no longer, than till the Coroner's Inquest be finished, which shall be done with all reasonable speed; and immediately afterwards the body shall be delivered to the prisoner's friends, or relations, if they desire it, without fee or reward.

That it is the duty of the warden, and belongs to him, to keep the prison house, and windows, in necessary and good repair, and to keep the bog-house, and dunghill, as clean, and free from stench and noisomeness, as possible.

That a table of gifts and bequests, made for the benefit of the prisoners in the Fleet, expressing the particular purposes, for which the same were given, be prepared by the warden, and hung up in the Hall of the said prison.

That the ward gates be opened at five of the clock in the summer, and seven of the clock in the winter, and do stand constantly open in the day time, according to the order, made the 17th February, 1727.

And whereas this court, upon further consideration of the premises this present Trinity term, in the 13th year of the reign of our sovereign lord King George, is of opinion, that the said Resolutions are just; it is hereby ordered, that the same be observed by the warden, and prisoners, and all other persons therein concerned.——*(Signed)*—Robert Eyre, Robert Price, F. Page, Alexander Denton.

A List of Bequests, &c. which the Warden of the Fleet has set up in the common Hall in the said Fleet prison, the 20th June, 1727, which he allows of.

	£.	s.	d.
Received from the Court of Common Pleas 3*l.* each term	12	0	0
From the Court of Exchequer, 6*s.* 8*d.* every term - - -	1	6	0
The gift of Edward Thatcher, 40*s.* per annum, the King's tax allowed out - - - - - - - -	1	16	0
The gift of Mr. Parker, 30*s* per annum, payable from merchant-taylors company, King's tax allowed out of it - - - - - - - -	1	7	0
The gift of John Grubham, esq. 3*l.* allowed out of it 10*s.* for a sea breach in a fence of land in Somersetshire, called The Close - -	2	10	0
The gift of Mr. John Kendrick, 30*s.* payable from the Drapers' Company - - - - - -	1	10	0
Received from the running boxmen, Christmas, Easter, and Whitsuntide - - - - - -	3	12	6
Received from the honourable Master of the Rolls - - - -	2	0	0
The gift of Mr. Dawson, which has not been paid these several years, to be given by the churchwardens of Estrel Pleas - - - - -	0	9	0
The gift of Mr. Carter, which has not been paid, as appears from the churchwardens of Underhurst -	0	17	0
Received from the Leather-sellers' Company - - - - - -	0	18	0

Received every Christmas 33 penny loaves, parted at the dividing table.

Appendix, B.

An Account of the Profits, arising yearly to the Warden of the Fleet by Rents, payable for Lodgings, and other Rents, Perquisites, and Profits, which appear to be made therefrom.

	£.	s.	d.
In the first gallery ten prisoners, at 2*s.* 10*d.* per week each - -	1	8	4
In the second gallery 11 prisoners, at 2*s.* 10*d.* per week each - -	1	11	8
More in the same gallery; viz. One at 3*s.* 6*d.* two at 10*s.* and three at 5*s.* 4*d.* each; which comes to - - - - - - -	1	19	6
In the third gallery, 19 at 2*s.* 10*d.* Two at 3*s.* 9*d.* four at 5*s.* 4*d.* and two at 5*s.* 8*d.* each; which comes to - - - - - - -	4	14	0
In the fourth gallery 30, at 2*s.* 10*d.* each; which comes to -	4	5	0
In the garden rooms 12, at 2*s.* 10*d.* each - - - - -	1	14	0
Total per week——	15	12	0

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Which for 52 weeks, or one year, comes to - - - - - -	811	4	0
To which add,			
The cellar, let per annum at -	80	0	0
The coffee room, let per annum at - - - - - -	14	0	0
The several rooms in the chapel stairs, let per annum at -	79	0	0
The thirteen houses fronting Fleet ditch, between the two walls and the prison, ten of which are let at 310*l.* there is also three unlet, at 90*l.* per annum; and comes, together, to - - -	400	0	0
Rent paid annually by the sheriffs of London to the keeper of the palaces of Westminster -	8	0	0
Ditto to the warden of the Fleet - - - - - -	10	0	0
The commitment fees, at 2*l.* 4*s.* 4*d.* each commitment, being computed by Mr. Bygrave and Mr. Cotton, the former and present clerk of the papers, to be at least, *communibus annis*, 320 in number, amount to per annum, 646*l.* 18*s.* 8*d.* and the dismission fees at 7*s.* 6*d.* each prisoner, amount to per annum, 120*l.* and make in the whole, per annum	766	18	8
Besides the vast number of extortions over and above these fees; particularly from Walter Newbury 11*l.* 4*s.* John Dudley 16*l.* 12*s.* Benjamin Wakeling 5*l.* 5*s.* Peter Jordain 6*l.* 10*s.* Thomas Goulder 8*l.* 19*s.* 6*d.* Alexander Sydall 6*l.* 10*s.* Alexander Leickey 3*l.* 6*s.* 8*d.* Jeremiah Miles 4*l.* 14*s.* 6*d.* James Bayley 18*l.* 8*s.* 8*d.* and several others.			
By liberty of rules, and new years' gifts, from the best accounts that are given or can be learnt, per annum upwards of -	1,500	0	0
Shops in Westminster-hall, let at 117*l.* and when all are let -	150	0	0
The chaplains fees for entrance of 320 prisoners, at 2*s.* each, amount to 32*l.* per annum, besides 4*d.* per week from at least 1,000 prisoners in the prison, and the liberty of the rules, amounting to 865*l.* 16*s.* per annum, and together make 897*l.* 16*s.* But Dr. Franks, dean of Bedford, being the officiating chaplain, has been allowed but 40 guineas a year and 40 guineas a year more when there was a real chaplain, which together make 80 guineas per ann.; so, deducting the said 80 guineas from the said 897*l.* 16*s.* there will remain a clear profit to the warden, per annum	813	16	0
Total per annum	4,682	18	8

Besides the appointment of the following officers:

The clerk of the papers gave for his place, 1,500*l.*

The clerk of the enquiries place, worth 150*l.* per annum.

The turnkey's place 50*l.* per annum.

The chamberlain's place 40*l.* per annum:

The tipstaff to the court of Chancery gave for his place 328 guineas.

The tipstaff of the Rolls gave 150 guineas.

The tipstaff of the Exchequer 150 guineas.

The tipstaff of the Common Pleas 210 guineas.

The other tipstaff there, 200 guineas.

The Resolutions of the Committee, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House; and are as follow; viz.

"Resolved, *nem. con.* That Thomas Bam-"bridge, the acting Warden of the prison of "the Fleet, hath wilfully permitted several "debtors to the crown in great sums of money, "as well as debtors to divers of his Majesty's "subjects, to escape, hath been guilty of the "most notorious breaches of his trust, great "extortions, and the highest crimes and mis-"demeanors, in the execution of his said of-"fice, and hath arbitrarily and unlawfully "loaded with irons, put into dungeons, and de-"stroyed prisoners for debt under his charge, "treating them in the most barbarous and "cruel manner, in high violation and contempt "of the laws of this kingdom.

"Resolved, *nem. con.* That John Huggins, "esq. late Warden of the prison of the Fleet, "did, during the time of his wardenship, wil-"fully permit many considerable debtors in his "custody to escape, and was notoriously guilty "of great breaches of his trust, extortions, "cruelties and other high crimes and misde-"meanors, in the execution of his said office, "to the great oppression and ruin of many of "the subjects of this kingdom."

The House also came to the following Resolutions; viz.

"Resolved, That it appears to this House,

"1. That James Barnes was an agent of, and "an accomplice with, the said Thomas Bam-"bridge, in the commission of his said crimes.

"2. That William Pindar was an agent of, "and an accomplice with, the said Thomas "Bambridge, in the commission of his said "crimes.

"3. That John Everett was an agent of, and "an accomplice with, the said Thomas Bam-"bridge, in the commission of his said crimes.

"4. That Thomas King was an agent of, "and an accomplice with, the said Thomas "Bambridge, in the commission of his said "crimes."

Mr. Oglethorpe acquainted the House, that he was directed by the Committee to move, "That an humble Address be presented to his Majesty, that he will be graciously pleased to

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direct his Attorney General forthwith to prosecute, in the most effectual manner, the said Thomas Bambridge, John Huggins, the said James Barnes, William Pindar, John Everett, and Thomas King, for their several crimes."—Which was agreed to by the House.* And the said persons were ordered to be committed to Newgate.

Mr. Oglethorpe also acquainted the House, that he was directed by the Committee to move, that leave be given to bring in a Bill, to disable the said Thomas Bambridge to hold or execute the office of Warden of the prison of the Fleet, or to have or exercise any authority, relating thereto. Which was agreed to.

Mr. Oglethorpe also acquainted the House, that he was directed by the Committee to move, that leave be given to bring in a Bill, for better regulating the Prison of the Fleet, and for more effectual preventing, and punishing, arbitrary and illegal practices of the warden of the said Prison.—Ordered accordingly.

SECOND REPORT OF THE SELECT COMMITTEE ON THE STATE OF THE GAOLS OF THIS KINGDOM.] May 14. Mr. Oglethorpe, from the Committee, appointed to enquire into the State of the Gaols of this kingdom, made a Report of some progress, which the Committee had made in their Enquiry into the State of the Prison of the Court of Marshalsea, and of the king's Palace court of Westminster, and also of a further progress, which the Committee had made in their Enquiry into the State of the Fleet Prison, with the Resolutions of the Committee thereupon: and he read the Report in his place, and afterwards delivered the same (with the Appendixes) in at the clerk's table; where the Report, and Resolutions of the Committee, were read, and are, as follows;

> The Committee, having, in pursuance of the Order of this House, of the 25th day of February 1728, to enquire into the state of the Gaols of this kingdom, adjourned to the Prison of the Court of the Marshalsea, and of the King's Palace Court of Westminster, and at several times examined into the state of that Prison, have made some progress therein, which they have thought fit to lay before the House.

It appeared to the Committee, that the Prison of the Marshalsea doth belong to the Court of the Marshalsea of the king's houshold, and to the Court of Record of the king's palace of Westminster; and that the person, who hath the care of the prison, and custody of the Marshalsea, is stiled deputy marshal of the Marshalsea of the king's household, and keeper of the Prison of the same Court, and of the Prison of the Court of Record of the king's Palace of Westminster; and is appointed by the knight marshal for the time being.

That sir Philip Meadows, then knight marshal of the king's household, did, by deed poll, given under his hand and seal the 25th of November, 1720, constitute John Darby gentleman, deputy marshal of the Marshalsea of the king's household, and keeper of the Prisons aforesaid during the term of his natural life.

And the said knight marshal, by Articles of agreement indented, bearing even date with the said last mentioned Deed Poll, declares the conditions, under which the said John Darby is to enjoy the said offices; and (among others) that, if the said John Darby, without the knight marshal's consent in writing, shall at any time let to farm the said offices, or any of the fees, profits, advantages, or benefits, thereof, the said grant shall cease, determine, and be void.

That John Darby, contrary to the said conditions, hath let the profits of the said offices, without consent of the said knight marshal; and by indenture of lease, bearing date the 21st day of March, 1727, did grant, and to farm let, to William Acton, butcher, the Marshalsea Prison for 140*l.* per annum; and by the same lease did let the benefit of the lodging of the prisoners, and other advantages, for the further yearly rent of 260*l.* to be paid to him, clear of all taxes, for the term of 7 years.

That, to make the profits of the Prison arise, to answer the said exorbitant rents, no kind of artifice, or oppression, hath been unpractised.

It appears, upon the examination of many witnesses, that, on the entry of prisoners into the said Prison, money has been extorted from them, for obtaining the liberty of going to the master's side, though the said Darby himself acknowledged, he had no right to any fees, till the prisoner was discharged: And, in order to create a greater profit, by vending liquors, and food, the servants of the keeper have obstructed the bringing in necessary liquors, and provisions, contrary to the express words of the act of parliament, of the 22d and 23d year of king Charles 2d; and have often under the pretence of searching for liquors, treated very rudely and indecently women, who came to relieve and support their husbands, labouring under the hardships and necessities of the gaol: And they raise the price of liquors, and other necessaries, insomuch that the necessitous prisoner is obliged to pay three pence per quart for worse beer, than he can buy out of the Prison for two-pence half-penny: And they have also encouraged a practice, among the prisoners, of forcing those, newly committed, to pay garnish, and of levying fines upon each other, under frivolous pretences; the money, arising from which, is to be spent at the tap-house; so that he, who is most active in exacting it, is favoured, as the greatest friend to the house. This method of levying garnish money, and fines, is so publicly allowed, that there are tables hung up in each room, of the stated garnish fees, some of which amount to 7*s.* 6*d.* some to more; and if the unhappy wretch (which is the general case) hath not money to pay them, the prisoners strip him in a riotous manner which, in their cant phrase, they call letting the black dog walk.

* See State Trials, A. D. 1729.

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This shews the inconveniency of the Keeper's having the advantage of the tap-house; since, to advance the rent thereof, and to consume the liquors, there vended, they not only encourage riot and drunkenness, but also prevent the needy prisoner from being supplied by his friends with the mere necessaries of life, in order to increase an exorbitant gain to their tenants.

And these extortions, though small in the particulars, are very heavy upon the unhappy prisoners, many of whom are so poor, as to be committed for a debt of one shilling only; for, by the usage of the said Court of Record, processes are issued for the smallest sums; and, though the cause of action is but one penny, a process is issued, the process is returned, and the proceedings are carried on, till such time as the costs amount to above 40*s.* and thereupon the debtor is thrown into prison; and, by adding the costs to the debt, the late act of parment, against frivolous and vexatious arrests, is eluded: Nor is it probable, that he can be from thence released; for if he was incapable before to pay the cause of action, he must be much more so, when the costs are added thereto; and, if his creditor then relents, he is detained for the gaoler's fees, and costs of suit, infinitely greater than the original debt.

It appeared to the Committee, that there was no list of fees publicly hung up in any part of the Prison, though required by law: As to which the said John Darby being examined, he acknowledged, that no such list of late had been hung up; but he delivered to the Committee a paper, which, he informed them, was a schedule of fees, established by the judges of the court of the king's Palace of Westminster the 17th of December, 1675, hereunto annexed in the first Appendix, marked with the letter A; which fees seem very exorbitant, in regard there are different fees paid by the same prisoner to the same officer, and the whole amounts to more, than is proportionable to the smallness of the sums, for which processes are issued out of that court.

Upon inspection of the several parts of the said gaol, the Committee find, that the said gaol is divided into two divisions, viz. the master's side, and the common side; and that a part thereof is only fenced in with a few weak old boards: That there are several rooms on the master's side kept empty, some with but one or two persons in them, and others at the same time crouded to that degree, as even to make them unhealthy; particularly, in one of the rooms in a part of the Prison, called the Oake, nine men are laid in three beds, and each man pays 2*s.* 6*d.* per week; so that room singly produces 1*l.* 2*s.* 6*d.* per week: But a more particular account of the numbers of prisoners in each room, and of the sums they are to pay for chamber rent, will appear by the annexed Appendix, B.

It appeared to the Committee that the Gaoler of the said Prison, out of a view of gain, hath frequently refused to remove sick persons, upon complaint of those, who lay in the same bed with them; a particular instance of which follows.

Mrs. Mary Trapps was prisoner in the Marshalsea, and was put to lie in the same bed with two other women, each of which paid 2*s.* 6*d.* per week chamber rent: She fell ill, and languished for a considerable time; and the last three weeks grew so offensive, that the others were hardly able to bear the room: They frequently complained to the turnkeys, and officers, and desired to be removed; but all in vain: At last she smelt so strong, that the turnkey himself could not bear to come into the room, to hear the complaints of her bedfellows; and they were forced to lie with her, or on the boards, till she died.

And the Committee, inspecting the various parts of the gaol, saw a prisoner, who kept his bed with a fistula, and two other persons obliged to lie with him in the same bed, though each paid 2*s.* 6*d.* per week; yet they even submitted to such rent, and usage, rather than be turned down to the common side.

The common side is enclosed with a strong brick wall; In it are now confined upwards of 330 prisoners, most of them in the utmost necessity: They are divided into particular rooms, called wards; and the prisoners, belonging to each ward, are locked up in their respective wards every night; most of which are excessively crowded, thirty, forty, nay fifty, persons having been locked up in some of them, not sixteen foot square; and at the same time that these rooms have been so crowded, to the great endangering the healths of the prisoners, the largest room in the common side hath been kept empty, and the room over George's ward was let out to a taylor, to work in, and no body allowed to lie in it, though all the last year there were sometimes forty, and never less than thirty-two, persons locked up in George's ward every night, which is a room of sixteen by fourteen feet, and about eight feet high: The surface of the room is not sufficient to contain that number, when laid down; so that one half are hung up in hammocks, whilst the others lie on the floor under them: The air is so wasted by the number of persons, who breathe in that narrow compass, that it is not sufficient to keep them from stifling, several having in the heat of summer perished for want of air: Every night, at eight of the clock in the winter, and nine in the summer, the prisoners are locked up in their respective wards, and from those hours, until eight of the clock in the morning in the winter, and five in the summer, they cannot, upon any occasion, come out; so that they are forced to ease nature within the room, the stench of which is noisome beyond expression, and it seems surprizing, that it hath not caused a contagion.

The crowding of prisoners together in this manner is one great occasion of the gaol distemper; and, though the unhappy men should escape infection, or overcome it, yet, if they have not relief from their friends, famine destroys them; all the support, such poor wretches

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have to subsist on, is an accidental allowance of pease, given once a week by a gentleman, who conceals his name, and about thirty pounds of beef, provided by the voluntary contribution of the judge and officers of the Marshalsea, on Monday, Wednesday, and Friday; which is divided into very small portions, of about an ounce and an half, distributed with one fourth-part of an half-penny loaf: each of the sick is first served with one of those portions, and those, that remain, are divided amongst the wards; but the numbers of the people in them are so great, that it comes to the turn of each man but about once in fourteen days, and of each woman (they being fewer) once in a week.

When the miserable wretch hath worn out the charity of his friends, and consumed the money, which he hath raised upon his cloaths, and bedding, and hath eat his last allowance of provisions, he usually in a few days grows weak, for want of food, with the symptoms of a hectic fever; and, when he is no longer able to stand, if he can raise 3*d.* to pay the fee of the common nurse of the prison, he obtains the liberty of being carried into the sick ward, and lingers on for about a month or two, by the assistance of the above-mentioned prison portion of provision, and then dies.

The Committee saw in the Womens Sick Ward, many miserable objects lying, without beds, on the floor, perishing with extreme want; and in the Mens Sick Ward yet much worse: for along the side of the walls of that ward boards were laid upon trestles, like a dresser in a kitchen; and under them, between those trestles, were laid on the floor one tire of sick men, and upon the dresser another tire, and over them hung a third tire in hammocks.

On the giving food to these poor wretches (though it was done with the utmost caution, they being only allowed at first the smallest quantities, and that of liquid nourishment) one died: the vessels of his stomach were so disordered, and contracted, for want of use, that they were totally incapable of performing their office, and the unhappy creature perished about the time of digestion. Upon his body a coroner's inquest sat (a thing which though required by law to be always done, hath for many years been scandalously omitted in this gaol) and the jury found, that he died of want.

Those, who were not so far gone, on proper nourishment given them, recovered, so that not above nine have died since the 25th of March last, the day the Committee first met there, though, before, a day seldom passed without a death, and upon the advancing of the spring, not less than eight or ten usually died every 24 hours.

The great numbers, who appeared to have perished for want, induced the Committee to enquire, what charities were given for the subsistence of the prisoners in this gaol: they have as yet been only able to come at full proof of 10*l.* per annum, left by sir Thomas Gresham, and one pound per annum, paid by each county in England, commonly called exhibition money; but have reason to believe, there are many other sums, which the shortness of the time prevented the Committee from being able fully to discover.

All the Charities belonging to the prison were formerly received by a steward, chose by the prisoners on the common side, and the said prisoners had a common seal belonging to them, kept by their said steward; and they were divided into six wards, each of which chose monthly a constable; and the said constable's signing a receipt, and sealing it with the said common seal, was a full discharge to the persons paying the charities.

In 1722 Matthew Pugh was chosen steward by the prisoners, and, at their request, approved by sir John Bennet, then Judge of the Marshalsea Court. Pugh discovered several charities, which had been before concealed, and applied them to the use of the prisoners; and in 1725 he acquainted the then constables, that John Darby, and his servants in the lodge, had got possession of the old common seal, and that Edward Gilbourne, Deputy Prothonotary of the said court, had the possession of another seal, with the same impression, which he had reason to believe was made use of to affix to receipts for charity money, to the great fraud and oppression of the poor prisoners: upon which the said constables agreed to be at the expence of making a new seal, with this addition, "Marshalsea Prison, 1725;" and they also bought a chest, with seven different locks and keys, so that the chest could not be opened without all the said seven keys, one of which was lodged in the hands of each constable, and the seventh in the hands of the steward; and they fixed the chest to the wall in the ward, called the Constables Ward, and locked up the seal therein; and, whenever any receipt was to be sealed, the six constables, and the steward, were all concurring; and the money, so received, was publicly known, and divided.

But this public and just manner of receiving, and distributing, the charities, was disliked by the keeper, and his servants; and they complained to the judge of the Palace Court, and gave information, that the said Pugh was a very turbulent fellow; and procured a rule (a copy of which is hereunto annexed in the Appendix marked C) by which it is ordered, that Matthew Pugh shall be no longer permitted to have access to the said Prison, or Court; and the prisoners are allowed to chuse another steward: And accordingly John Grace, then clerk to the keeper, was chosen steward by those in the keeper's interest; but the constables, in behalf of the prisoners, refused to deliver up the keys of the chest, where their seal was, insisting, that all receipts should be sealed, as usual, in a public manner, that they might know, what money was received; and thereupon the said chest was broke down, and carried away, by the said William Acton and the said John Grace.

The said William Acton, in his defence against this charge, did not deny this fact: but

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said, he did it by order of the Court: And being required to produce such order; he said it was a verbal order, given him by the said Edward Gilbourne: And the said Edward Gilbourne, being examined in the presence of the said William Acton, denied, that he gave any such order.

This transaction was about the time the act for relief of insolvent debtors, in 1725, took place; and the old prisoners, who knew this affair, being discharged by that act, those, who were newly committed, being ignorant of their rights to charities, were defrauded thereof under this abuse.

After the time of taking by violence possession of the prisoners seal, as before mentioned, the said seal was used in the Lodge, without the privity or consent of the prisoners, and was affixed to receipts for legacies, and charities, which the said Gilbourne received, and disposed of, as he pleased, in a very irregular and arbitrary manner, untill complaint thereof was made to sir John Darnall, judge of the Court; and then what was afterwards paid for the prisoners, was distributed regularly, but no account was given to the prisoners, by Gilbourne, of the monies he received,

Till the turning out of Pugh, and the violent breaking open the prisoners said chest, the steward used to distribute the charity money among the prisoners equally and indifferently, without favour or affection, and accounted regularly to the prisoners, and never received any money without their privity, and orders; but since the said violence nothing hath been regularly done in respect of the charities: Sometimes the said Edward Gilbourne, at other times the said John Grace, distributed them, as they thought fit; and, since the said William Acton, butcher, hath rented the said gaol, there has been no steward, nor any account given of the said charities, he having taken upon himself to act as steward, without the choice, or consent, of the prisoners: And, upon his examination, he confessed, that, from May, 1728, to May 1729, he had received charity money for the poor prisoners, amounting to above 115*l.* of which he had kept no account, and took no notice thereof, till this Committee was appointed, to enquire into the State of the Gaols, not expecting to have been asked about it. He pretended, he had distributed the money among the prisoners directly, but produced no sort of vouchers for it.

The present extreme want and necessity of the prisoners in the said gaol proceeds from the charities being grossly perverted, and not laid out in proper provisions, and divided into proper portions: For if 115*l.* a year (which Acton himself acknowledges he had received) had been laid out in bread only, it would have afforded each prisoner two pounds of bread per week, supposing the prisoners on the common side to have amounted, one time with another, to 800; which pittance, though very small, would have prevented the starving to death many miserable wretches, who have perished in the said gaol with mere hunger.

The Committee have reason to believe, that the charities, given by well disposed persons unknown, have been sufficient for the support and maintenance of the poor prisoners in this gaol; but the modesty of the donors concealing their alms, this too great fear of ostentation hath enabled the gaoler, and his miscreants at the Lodge, to pervert the charity monies, and defraud the poor miserable prisoners thereof.

The Committee have discovered some private charities (notwithstanding the industry of the donors to conceal them) particularly, that of his grace the duke of Dorset, the present lord steward of the household, who raised a fund of charity upon the destruction of that pernicious practice of selling offices.

The custom of this Court formerly was to sell all the places belonging thereto, and the very counsel, and attornies, purchased the liberty of pleading, and practising, in this Court; for which the first gave as far as 1,000*l.* the latter as far as 1,500*l.* each; one moiety of which sums was for the benefit of the lord steward, and the other moiety for the knight marshal.

As the present inquiry is not into the nature and practice of this Court (the Abuses of which will deserve a particular inquiry) the Committee do not enlarge upon the ill consequences of such corrupt sales; but cannot forbear to observe, that the first who stemmed this tide of corruption, was his grace the duke of Argyle, then lord steward: who, disdaining to share the spoils of the unfortunate, scorned to take any money arising from the sale of offices, and made an excellent precedent (very much disliked by the practising part of the Court) that of appointing officers for their merit, not for their money. Upon the death of sir John Bennet, his grace, without fee or reward, appointed sir John Darnall judge of the Court, and followed the same method in disposing of the other offices of the Court.

The duke of Dorset (now Lord Steward) was very much importuned by the officers of the Court to permit the practice of selling, as formerly; but, being resolved not to give way to it, yet willing to be eased of their importunity, he let them know, that he would sell the place of one of the counsel, then vacant: The sum, he sold it for, was 100*l.* only, to George Ballard, esq., which his grace ordered to be applied to discharge poor prisoners, and at the same time expressly directed Mr. Ballard to give no other money to any person whatsoever.

The aforementioned Edward Gilbourne, deputy prothonotary, received the said money, and was two years in disposing of it, discharging such only, as he himself thought proper.

In that time an act, for relief of insolvent debtors, took place, by virtue of which many persons were discharged out of the said prison, and others were at several times also discharged by private charities from persons unknown;

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but the names of those, thus released, cannot now be discovered, or compared with the List, delivered by the said Gilbourne, of the names of the prisoners, which, he pretends, were discharged by the duke of Dorset's said charity.

It appeared to the Committee, that the keepers in the lodge have greatly imposed on the charitable persons, who, without discovering their names, have released prisoners, by paying their debts, and fees. These keepers have a set of idle fellows, employed by them as agents in carrying on their wicked designs, and whom they indulge in riot, and in abusing their fellow prisoners, and allow to go out, as messengers. These persons are voluntary prisoners; and in the List, given in by John Darby, be acknowledged 20, who chose rather to be confined, than at liberty. These the keepers generally produce, as proper objects of charity, when pious persons, unknown, come to discharge poor prisoners in secret; and their pretended debts, and fees, being paid, as such objects, they, in form, go out of the prison, but in a little time return back again to the same wicked practice, to the scandalous abuse of such pious and excellent charities, and to the great fraud and oppression of the miserable, for whom they were intended.

The abuse of the Begging Box is another great imposition.

The prisoners have all along had a right to nominate persons, to go about with begging baskets, and boxes, and to give them deputations, under their hands and their common seal, to make such collections; but since that seal has been violently taken away, and kept in the Lodge, as aforesaid, these deputations are countersigned, and sealed, by the deputy marshal, or some of his agents, or servants; and the prisoners have been forced to submit to give to such persons, for their pains, all the monies collected by them, provided they bring in two baskets only of broken victuals per week, or, in lieu thereof, pay two shillings; and even this disadvantageous agreement is not complied with; for the prisoners are months together without hearing any thing at all of their basket men.

So that the good and charitable intentions of mankind are wickedly perverted, and rendered useless, and of no avail, to the poor prisoners, who can neither come out to be relieved, nor can those, who come to relieve, have easy access to such poor wretches, nor distinguish the impostors from the unfortunate.

The only effectual way to distribute such charity rightly seems to be, to see some prisoner of each ward, who is not in the keeper's interest, and from such prisoner to know the most necessitous.

The abovementioned practice of farming and defrauding the begging box is not peculiar to this prison of the Marshalsea only: the poor prisoners in the Fleet Prison are abused in the same manner.

In this prison of the Marshalsea pirates are kept, as well as debtors; and the first, who are generally a very desperate and abandoned sort of people, are suffered to mix with all the unhappy debtors of the common side: which may be of dangerous consequence: For this being a prison for the poorer sort, in which great numbers of poor sailors are commonly confined, the conversation of these pirates, and their boasts, how riotously they lived, whilst at sea, may instil inclinations of following the same wicked practices. This correspondence with these desperate people hath already had some influence upon the poor debtors, and was, in part, the occasion of several of them attempting to escape; to which hunger and extreme want being added, some of them became so desperate, that, after having fasted four days, and seeing no hope of relief, they attempted to break through the prison wall, and were taken in the attempt.

This gave the gaolers a pretence to exercise their greater cruelties. All the persons, so attempting to escape, were called into the lodge by the said Acton, one by one, and there examined. One of them was seen to go in perfectly well, and, when he came out again, he was in the greatest disorder: His thumbs were much swollen, and very sore; and he declared, that the occasion of his being in that condition was, that the keeper, in order to extort from him a confession of the names of those, who had assisted him, and others, in their attempt to escape, had screwed certain instruments of iron upon his thumbs, so close, that they had forced the blood out of them, with exquisite pain: After this he was carried into the strong room, where, besides the other irons, which he had on, they fixed on his neck and hands an iron instrument, called a collar, like a pair of tongs: and, be being a large lusty man, when they screwed the said instrument close, his eyes were ready to start out of his head, the blood gushed out of his ears and nose, he foamed at the mouth, the slaber ran down, and he made several motions to speak, but could not: After these tortures he was confined in the strong room for many days with a very heavy pair of irons, called sheers, on his legs.

It has been usual in this prison for the keepers unlawfully to assume to themselves a pretended authority of magistrates, and not only to judge and decree punishments arbitrarily, but also to execute the same unmercifully. Numberless are the instances of their immoderate beating poor debtors, at their pleasure, insomuch that the very name of the instrument hung up in the lodge, for beating the prisoners, became a terror to them.

The various tortures and cruelties, before mentioned, not contenting these wicked keepers in their said pretended magistracy over the prisoners, they found a way of making within this prison a confinement, more dreadful than the strong room itself, by coupling the living with the dead; and have made a practice of locking up debtors, who displeased them, in

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the yard with human carcases. One particular instance of this sort of inhumanity was of a person, whom the keepers confined in that part of the lower yard, which was then separated from the rest, whilst there were there two dead bodies, which had lain there four days; yet was he kept there with them six days longer; in which time the vermin devoured the flesh from the faces, eat the eyes out of the heads of the carcases, which were bloated, putrified, and turned green, during the poor debtor's dismal confinement with them.

The great business depending in the House of Commons, having often required the long attendance of the members of this Commitee, the Committee have not been able to go through the examinations, which they had entered into, upon the various complaints, laid before them, of cruel beating, ironing, torturing, and murdering, debtors, too shocking, and too numerous, to be thoroughly examined in so short a time, as the remainder of this session of parliament allows.

One cruel and barbarous instance, among others, which appeared to the Committee, they cannot omit; viz.

In the year 1726 Thomas Bliss, a carpenter, not having any friends to support him, was almost starved to death in the prison; upon which he attempted to get over the prison by a rope, lent him by another prisoner: In the attempts he was taken by the keepers, dragged by the heels into the lodge, barbarously beaten, and put into irons, in which he was kept several weeks. One afternoon, as he was quietly standing in the yard, with his irons on, some of the said Acton's men called him into the lodge where Acton was then drinking, and merry, with company. In about half an hour Bliss came out again crying; and gave an account, that, when he was in the lodge, they, for their diversion (as they called it) fixed on his head an iron engine, or instrument (which appears to be an iron scull cap) which was screwed so close, that it forced the blood out of his ears and nose. And he further declared, that his thumbs were at the same time put into a pair of thumb-screws, which were screwed so tight, that the blood started out of them: And from that time he continued disordered to the day of his death. He was let out of the prison, without paying his debt; and, at his going out, Acton desired, that all, that was past, might be forgot, and that he would not bear him any ill will. This miserable wretch was put into St. Thomas's Hospital for help, but died very soon.

The Committee observe,

That, though in this prison there are many rooms intirely empty, yet in other rooms the prisoners are crowded together, to the utter destruction of their healths, and the endangering a general infection:

That, notwithstanding thirty and forty prisoners were locked up together in one room, yet the said John Darby (the keeper) did certify to the Committee, that the said prison of the Marshalsea was sufficient commodiously to contain the number of prisoners thereto committed:

That the charities have not been accounted for, but have been scandalously perverted, while great numbers have perished in the prison through mere want:

That many prisoners have died daily in the said prison, as well those in execution, as others, and no coroner's inquest hath sat upon their bodies.

The said William Acton, being examined, at first denied, but, after being confronted with several witnesses, acknowledged, that he had had thumb-screws in his possession, and pretended, he had given them to the gaoler at York. He positively denied the having any iron instrument, or cap for the head: and yet afterwards directed the turnkeys, where to find the iron scull cap before mentioned, and it was produced to the Committee.

The Committee also found several very heavy iron bars, shackles, fetters and handcuffs, for the miserable prisoners in the said Marshalsea prison.

The unwarrantable letting to farm the benefit of keeping these prisoners hath unjustifiably increased the profits of the prison, to the greater oppression of the prisoners. The said William Acton (to whom the profits of the said prison are let by the said John Darby) hath, in this first year of his farming the same invented new oppressive methods, to make his profits double those of the preceding year.

If the gaolers are not punished for these their wicked devices, and due care be not taken, to prevent the like barbarous practices for the future, the poor prisoners, who may happen to survive these cruelties, must be more miserable, than can be expressed.

The Committee, apprehending the conclusion of this session to be now so near, as to prevent their proceeding to farther enquiries, have thought it their duty at this time to lay a state of these facts before the House; hoping, some effectual provision will be made in the next session of parliament, for remedying the great grievances before mentioned, for better regulation of gaols, and for inflicting proper punishments upon gaolers for cruelties to their prisoners.

And the Committee have come to the following Resolutions; viz.

"Resolved, that it appears to this Committee, That William Acton, clerk of the "prison of the Marshalsea, and farmer of the "same gaol, and the profits thereof, by lease "from Mr. John Darby, the keeper of the "said prison, hath been guilty of many high "crimes and misdemeanors in the execution of "his office, and hath arbitrarily and unlawfully "loaded with irons, tortured, and destroyed, "in the most inhuman, cruel, and barbarous "manner, prisoners for debt under his care, in

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"high violation and contempt of the laws of "this kingdom.

"Resolved, That it appears to this Committee, That the Charities, given by well disposed persons, for the relief and sustenance "of the poor debtors confined in the said prison of the Marshalsea, are notoriously and "scandalously misapplied: and that the keeper "of the said prison, and his dependants, and "agents, instead of distributing the said charities to the said poor debtors, have most unjustifiably possessed themselves thereof, and "wickedly perverted the same to their own "uses, to the great fraud and oppression of the "said poor prisoners in general, and to the "starving many, who have perished in the said "prison, for want thereof.

"Resolved, That it is the opinion of this Committee, That Mr. John Darby, keeper of the "said prison of the Marshalsea, having, contrary "to, and in defiance of, the law, let to farm his "said gaol, and office, and the profits thereof, "unto the said William Acton, and having "grossly neglected his duty, in not preventing, or "remedying, the said inhumanities, cruelties, "frauds, and abuses, is guilty of a high misdemeanour in his office, and a notorious breach "of his trust, in contempt of the law, and to "the great oppression and ruin of many of his "Majesty's Subjects.

APPENDIX, A.

A SCHEDULE of such FEES, as are appointed and established by the Judges of the Court of the king's palace of Westminster, the 17th day of December, 1675, Annoque R. R. Car. 2. 27, to be from henceforth taken and received by the keeper of the prison belonging to the said court, as followeth, viz.

	£.	s.	d.
For the Knight Marshal's Fee, upon the discharging of every prisoner, for the first Action only -	0	1	8
For the Knight Marshal's Deputy, upon the like discharge -	0	0	3
For the Prothonotary, upon the like discharge - - -	0	1	5
For his own Fee, for his care and safe custody of every prisoner, to be taken upon the discharge of every such prisoner, for the first action - - - - -	0	4	8
For his Porter, upon the like discharge - - - - -	0	1	6
For his own Fee, upon every discharge of such prisoner, for the second action - - -	0	3	8
For his Porter, upon the like discharge - - - - -	0	1	4
For his Clerk, for entering the charge against every action, except that, upon which he is first brought into custody - - - - -	0	1	0
For his said Clerk, for entering every discharge of a prisoner, for every action - - -	0	1	0

EDMOND WYNDHAM,
JA. BUTLER.

Farther in relation to the Fleet Prison.

The dispatch, which your Committee found themselves obliged to give to their former Report (relating to the Fleet prison) prevented their inserting several facts, which in the course of their examination have since come to their knowledge in a fuller light, and which they think proper to lay before the House, by way of Supplement to their said former Report, as followeth; viz.

It farther appeared to the Committee, that Mr. Arne, mentioned in the said former Report, whilst he was in the tap-house of the said Fleet prison, during the wardenship of John Huggins, esq. and behaving himself quietly, was suddenly seized by James Barnes (agent for Huggins) and, without any reason given, was forced into the strong room, or dungeon, on the master's side; which dungeon, being then but lately built, and so damp, that the drops hung upon the walls, was very nauseous, and unwholesome. In this place was this unfortunate man locked up, and never once permitted to go out; but, by an accident, on a Sunday, the door being opened, he ran into the parlour, adjoining to the chapel, during the time of divine service. He had then no covering upon his body, but the feathers of a bed (which bed was thrown in to him by a prisoner) into which he crept, to defend himself from the cold; and the feathers stuck and were clotted upon him by his own excrements, and the dirt, which covered his skin.

He was immediately seized and carried back into the said dungeon; where, through the cold, and the restraint, and for want of food, he lost his senses, languished, and perished.

Notwithstanding the miserable condition of this man, and the applications, which were made to Mr. Huggins, the then warden who saw this miserable object lying naked in the said dungeon, and unable to speak, but lifting up his eyes to Mr. Huggins, the said Huggins had no compassion on him, but caused the door to be close locked upon him.

Oliver Reed, another prisoner in the Fleet prison, was loaded with irons by the directions of Mr. Huggins; who confessed to the Committee, that he sent for the fetters and manacles from Newgate, and ordered them to be put on the hands and legs of this unfortunate debtor, who in October last was put into another dungeon (and was continued there, till your Committee went to view the gaol) where he was forced to lie on a small bed, with chains of forty pounds weight, which even Bambridge thought too heavy, and applied to Huggins for lighter. Reed had nothing but a thin ragged blanket, to cover his naked body, in the most piercing weather of the last hard winter; and within three yards of him was a window, treble barred, without glass or shutter; under which window was a heap of the most noisome offals, to feed the dogs, there kennelled: and the place was the more unwholesome, because of a necessary house in the same room, the stench whereof

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was so intolerable, that your Committee could not continue in the room six minutes to examine this unhappy person, whose great sufferings under the warden's cruel usage of him were far greater than your Committee can express.

It appears also to the Committee, that the said Mr. Huggins hath, in combination with Richard Bishop (his tipstaff) consented to let out several prisoners (whom they call by a cant name pidgeons) to go into foreign parts, as well as into several distant trading counties at home, and furnished them with a sham credit, to buy goods; which being consigned to the said Bishop, he took out commissions of bankruptcy against the persons, so let out of prison, and fraudulently employed, as aforesaid, and thereby cheated the creditors, who dealt with them, of their goods, to a very considerable value; and that a waggon load of scarlet cloth was brought away from the owner, on such false credit; but the owner, pursuing it, seized the cloth, as they were unloading it, upon Ludgate Hill.

And farther it appears to your Committee, that, during the said Mr. Huggins's wardenship, several writs of 'Habeas Corpus ad testificandum,' were surreptitiously taken out by his direction, to protect prisoners, who desired to go to any part of the kingdom, on pretence of giving evidence at some trial, or at some assizes; for which liberty Huggins received large sums of money; and even those writs have had blanks left in them, to insert a pretended cause, and, to avoid suspicion of such Writs being collusive, Huggins, by a letter under his own hand, and now in the hands of your Committee, pretended to caution his servants not to be concerned in taking out such Writs: and by the said letter it fully appears, that this wicked practice was for lucre only; and such liberty, thus given, was to prisoners committed for very large sums.

Your Committee, notwithstanding their diligence and zeal in the premises, have not been able to come at a true account of the charities, given for relief of the poor prisoners in the Fleet prison; but your Committee have no reason to believe, there is in that particular less iniquity in the warden's management, than in the other practices, whereof the following may serve as an instance: lieutenant Robert Fitz Simmonds, being discharged by the plaintiff's executors on the 12th of April, 1728, lay then in prison for his fees only; about which time a gentleman came to the Fleet prison from an unknown lady, to discharge all such prisoners, as remained there for fees only, provided the same exceeded not the sum of three guineas each, or that the warden would discharge such prisoners of all fees and demands for that sum. Upon which Mr. Thomas Bambridge (then Warden) sent for twelve prisoners, and gave the said gentleman a list of their names, with his full demands on them severally, which were considerably more than three guineas each: However Bambridge, in compliance with the lady's great charity, and in regard to the poor prisoners, consented to accept the three guineas for each prisoner, in full discharge of all demands, assuring the said gentleman, that they should be discharged on that condition. Whereupon he paid Bambridge, in the presence of the said twelve prisoners, thirty-six guineas for their discharge; but, as soon as the gentleman's back was turned, Bambridge insisted on all his former demands to the full, and would not suffer them to go out of prison, till they had given him notes for what exceeded the three guineas.

Mr. Fitz-Simmonds, one of these prisoners, was forced to sign a note, drawn by Bambridge himself, payable to William Pindar (one of his accomplices) or order, for 27*l.* 10*s.* and the other eleven of the said prisoners were forced to do in the same manner.

It also appears to the Committee, that the first bringing soldiers to the Fleet prison, to put in fear, and to insult, the poor Debtors, was in the time when Mr. Huggins was Warden.

In justice to his Majesty's revenue, the Committee think it their indispensable duty to lay before the House one particular transaction of Mr. Huggins with Mr. Thomas Perrin, of London, merchant, debtor to the crown in several bonds to the amount of 42,057*l.* wherewith he was charged in the Fleet prison, and was permitted to escape from thence by Mr. Huggins, when Warden. The Committee having come to a more particular knowledge of this affair by the papers, which the said Perrin sent over from Holland to the treasury here, as his case, the Committee crave leave to subjoin the same, by way of Appendix to this Report; with this observation, that at the time, when Mr. Huggins was examined before the Committee touching this escape, he acquainted them, that he had got a *quietus* for the same in the late King's reign, and also, that the commissioners of the customs having put up to sale Perrin's security to the crown, he (Huggins) bought in the said debt of 42,057*l.* for about 2000*l.*

The Committee think it proper to lay before the House the case of sir Wm. Rich, baronet, a prisoner for debt in the Fleet prison; viz.

It appeared to the Committee, that sir Wm. Rich removed himself by Habeas Corpus from Newgate (where he lay for debt) to the Fleet prison; but, instead of being admitted (as he desired) into that prison; he was carried to, and confined at, Corbett's Spunging-house for a fortnight, at very great expences; and, though he often applied to be put into the prison, it was refused, unless he would pay 5*l.* to the warden as a commitment fee, and also 10*s.* per week for his lodgings, which exorbitant demands he was obliged to comply with, not being able to support and pay the heavier extortions of the said Spunging-house.

In about ten weeks after sir William's removal, Mr. Bambridge became deputy warden; to whom sir William applied for a chamber at

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a less rent, which he obtained, at 3*s.* 6*d.* per week, on payment of four guineas. After sir William had been in this new chamber about three weeks, William Pindar, the chamberlain, came to him, and demanded the rent of 3*s.* 6*d.* per week, which was paid; but sir William not being able to pay all the arrears of the great rent, due for the former chamber, a message came from Mr. Bambridge, that he wanted him in the lodge; but sir William conceiving, it was the part of Mr. Bambridge to come to him, if he had business, answered to that effect; thereupon James Barnes, Corbett, and others armed with pikes, and halberts, required sir William to go and wait upon Mr. Bambridge; but Bambridge, immediately following his said messengers, met sir William upon the stairs, seized him by the collar, and, the rest of Bambridge's followers assisting, dragged sir William into the lodge, and soon after procured him to be removed by Habeas Corpus to the King's Bench prison; where he remained twelve months and was afterwards brought back to the Fleet prison, by another Habeas Corpus, and carried again, to Corbett's Spunging-house, in order to extort a farther 5*l.* as a baronet's fee, for his commitment, though sir William offered to pay the fee, settled by the court of Common Pleas, of 2*l.* 4*s.* 8*d.*

After ten weeks stay at Corbett's, sir William, late at night, was ordered into the prison, and by the consent of one of the prisoners on the master's side, went into his room; where his the said prisoner permitted him to have part of bed, and, desiring his stay, said, he would raise money to pay the warden.

Soon after this the said Barnes came into the room, to turn sir William out by force; and the reason being asked, Barnes answered shortly, he would not stand arguing with him; and then put a red hot poker to sir William's breast and swore, if he did not pay the money, or go down immediately, he would run the poker into his body.

Then came in two men, like ruffians, armed with muskets, and bayonets fixed on them, and forcing the standers-by out of the room, Barnes run at sir William with the said red hot poker, which sir William having the good luck to put by, Barnes, on that disappointment, ordered the said ruffians to fire on him; but being told by another, that, if they killed him, they would be hanged, they desisted to fire; and Barnes being afterwards put out of the room by some of the prisoners, who came to protect sir William from the said danger, sir William went quietly down into the ward on the common side, called Julius Cæsar's ward; and the next morning intending to go again to the Master's side, and being opposed by a centinel placed by Bambridge, he returned, and went into a room on the common side, and staid by the fire; and a cobler being there at work, sir William borrowed a knife, to cut a piece of loose leather from his shoe; which being done, he laid down the knife upon the table.

Bambridge, with Corbett, and John Everett, and several others (his accomplices) from Newgate, some with muskets, and bayonets fixed on them, rushing together into the room to sir William, Bambridge haughtily demanded of him, how he durst use his servants ill; and instantly, without staying for any answer, struck sir William with a stick, thicker than his wrist; but in some measure sir William put by the blow, and in his surprize caught up, and struck Bambridge with the said knife, which lay on the table near him, Bambridge ordering his men to fire, one of them snapt his firelock at sir William, and Corbett made a stroke at him with a hanger, which stroke one Langley happened to receive, it gave him a great wound in his head through his hat and wig.

Immediately after this sir William was loaded with heavy irons, and put into the dungeon on the common side for two or three days, and was then removed to the dungeon on the master's side; in which deplorable situation, in the last hard winter, he remained ten days, and could have no fire, but charcoal, which (there being no fire place) the closeness of the dungeon and the fear of being suffocated, rendered more dangerous, and intolerable, than the severity of the weather.

Sir William applying to the court of Common Pleas for redress, a rule was made for his removal, and lighter irons, Bambridge being wounded. Sir William was accordingly removed, but the heavy irons were kept on him; and in that condition he suffered, until the committee visited the prison, having been forced to lie in his cloaths for a month before, by reason of the said irons.

One application to the court of Common Pleas for redress cost sir William 14*l.*

The expence of the meanest prisoner, on the first motion to the said court for redress, is, as followeth; viz.

	£.	s.	d.
An Attorney, to take instructions for drawing the Affidavit - - -	0	3	4
For drawing, according to the length	0	6	8
Stamps - - - - - -	0	1	1
To the Judge's Clerk to take the Affidavit - - - - - -	0	6	8
To Counsel, to move - - -	0	10	6
To the Prothonotary for the Rule, which is generally *nisi* - -	0	2	0
Copy, and Service on the warden -	0	2	2
The Attorney's Attendance in Court	0	3	4
The Counsel's Second Fee, when the Warden shews Cause - -	0	10	6
The Attorney's Attendance - -	0	3	4
To the Prothonotary, for the second Rule - - - - - -	0	2	0
Copy, and Service - - -	0	2	0
	2	13	7

The Committee in their former Report (relating to the Fleet prison) spoke only in general of exorbitant fees, paid at the entry of prisoners into that prison; but having since obtained an account of particular articles, paid

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on that head, the Committee have thought it proper to lay the same before the House; viz.

John Dudley paid at his entrance into the Fleet prison, as follows:

	£.	s.	d.
For four surrenders at the judge's chambers to his clerks	9	11	6
To the tipstaff	2	2	0
To the warden	16	12	0
Taking up his security bond upon his surrender	6	6	0
Turning him into the house and for liberty again several times	10	10	0
	45	1	6

Samuel Siddale paid,

For three surrenders at the Judge's Chambers	3	8	0
To the tipstaff	0	10	6
Three commitment fees to Corbett, the tipstaff, who would not admit him into prison, until paid	6	10	0
To the chamberlain	0	3	0
To the turnkey	0	2	0
	10	13	6

Walter Newbury paid,

Fees at the judge's chambers, on five actions	7	12	10
To the warden	11	4	0
To the turnkey	0	2	6
To the steward or chamberlain	0	5	0
	19	4	4

The former Report of the Committee, relating to the said Fleet Prison, having been under the consideration of the House, and directions having been given thereupon, the Committee propose nothing farther at present to the House in relation to the said Prison in particular.

THE APPENDIX.

Perrin's Case,

As it relates to John Huggins, esq. Warden of the Fleet.

That in Easter term, 1714, John Huggins, esq. warden of the Fleet, for a sum of money and upon a security bond, wherein the said Thomas Perrin, together with Benjamin Robinson, and three other persons, as his securities, were bound for his lodging without the said Prison, permitted him the liberty aforesaid.

That the said sureties were persons of no account, or substance; That the said Perrin, with the privity, and express consent, of the said Huggins, went often at large, out of the rules, without any day rule, or lawful licence so to do.

That on the 12th of August, 1714, the said Perrin went over to Holland, having first employed the said warden to solicit a matter, then depending before the commissioners of the customs, upon a reference on a petition of the said Perrin, praying, that his case might be considered with relation to the said debts, and have his liberty, on giving security to return to prison, when required.

That the warden undertook the care and negotiation of the said business, and the better to carry on the same, corresponded with the said Perrin, when in Holland; who on that account, and for his liberty, remitted, by bills, and otherwise, considerable sums of money, which the warden received.

That afterwards the said warden, fearing a prosecution for the escape, sent over Mr. Robinson into Holland, to remind Perrin of his promise to return to the said prison of the Fleet before the next term, promising him (the said Perrin) by letters, and upon oath before a master in chancery, that he (the warden) would not seize his person in the mean time, and that, whatever the said Robinson undertook for him (the warden) touching the case and favour of Perrin, he (the said Robinson) should see faithfully performed.

That, in pursuance thereof, it was agreed between the said Robinson and Huggins, Perrin should have liberty to transact his affairs at large, so as he returned to prison before next term; and, for his security in that behalf, the warden offered to trust Perrin intirely, not doubting Perrin's honour; and gives, in one of his letters, this reason; viz. that Perrin came once before from Holland, to surrender himself, to save his bail.

Whereupon Perrin came back to London without any seizure, recaption, restraint or molestation, of his person; and, for his security on that behalf, the warden offered, and did give, Perrin a general release; and by this deed, bearing date 20th October, 1714, released to Perrin all and all manner of actions, cause and causes of action, suits, bills, bonds, writings obligatory, debts, dues, duties, accounts, sum and sums of money, judgments, executions, extents, quarrels, controversies, trespasses, damages, and demands, whatsoever.

That on the 22d of October, 1714, Perrin returned to the rules of the Prison, goes under the key, to save the warden, as if in execution for the said debts, and for the pretended damages by means of the said escape into Holland, although that was all settled betwixt Perrin and the warden, and his right of seizure and recaption released also.

That Perrin remained in the Fleet until on or about the 2d of April, 1716; but some short time before consults the warden about a new-intended voyage to Holland, in order to raise more money for the said warden, by applying to Messieurs Senserf and son, his old correspondents, and by endeavouring to fall into business, to exercise his industry, for the benefit of the warden; which he so effectually brought about, that he remitted to the said

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warden near 1,000*l.* which came safe to the warden's hands.

That Huggins, to prevent his being sued, as he pretended, immediately proposed to the commissioners of the customs, that they would be pleased to say, that the crown had gained 1,000*l.* more, than if Perrin had not escaped; and, after he had prevailed with the solicitor so to do, they drew up a report, and transmitted it to the treasury, signed by the commissioners of the customs.

The AFFIDAVIT, mentioned in the said Case.

John Huggins, Warden of the Fleet, maketh oath, that Thomas Perrin of London, merchant, shall peaceably and quietly, without interruption or molestation, hold and enjoy to himself the liberty of the rules of the Prison of the Fleet, without any future charge whatsoever; and this deponent will not permit or suffer the said Thomas Perrin, under any pretence whatsoever (against his will) to be confined within the walls of the said Prison; nor shall the said Thomas Perrin be removed to any other Prison by or through the means or procurement of this deponent, by Habeas Corpus, or otherwise, to any of his Majesty's Prison or Prisons, place or places of confinement, so far as to the utmost of his, this deponent's, power can be prevented; and in case a Habeas Corpus be brought to effect, so as that the said Thomas Perrin should be removed, he, this deponent, will use his utmost endeavours to bring him back to the rules of the Fleet, that he may enjoy the liberty aforesaid, or to procure for him the liberty of the rules, at this deponent's own proper charge and expence, and so to be continued to him under Moses Cooke, esq. the present Marshal, or any other marshal, so long as the said Thomas Perrin shall continue to be a prisoner; so as that he may, either at the King's bench or Fleet Prisons, enjoy the liberty proposed, notwithstanding any action or actions, judgment or judgments, declaration or declaration, extent or extents, by means of his late or present misfortunes, or any thing, that may or shall happen to or arise there from; and that, in case this deponent should sell, assign, or set over, the wardenship or property in the Fleet, that then, and in such case, he, this deponent, will, at his own cost, use his endeavour, so that he shall enjoy the liberty aforesaid and upon his single security; and that he shall have day rules, to transact his affairs in term time, as often as his occasions require, without any expence to him, the said Thomas Perrin; and, in case of his consenting to be within the walls of the prison, shall be let into the rules again, whenever he shall require the same by writing to Mr. Samuel Blunt, or any other person, immediately.—JOHN HUGGINS.—Jurat. 22 October, 1710, coram WILL. ROGERS.

Copy of his General Release, upon Stamp Paper, in form, as followeth; viz.

Know all men by these presents, that, I, John Huggins, of the parish of St. Martin's in the fields, in the county of Middlesex, esq. have remised, released, and for ever quit claim, unto Thomas Perrin, of London, merchant, his heirs, executors, and administrators, all and all manner of actions, cause and causes of actions, suits, bills, bonds, writings obigatory, debts, dues, duties, accompts, sum or sums of money, judgments, executions, extents, quarrels, controversies, trespasses, damages, and demands, whatsoever, both in law and equity, or otherwise howsoever, which against the said Thomas Perrin I ever had, and which I, my heirs, executors, and administrators, shall or may have, claim, challenge, or demand, for, or by reason or means of, any matter, cause, or thing, whatsoever, from the beginning of the world unto the day of the date of these presents. In witness whereof I have hereunto set my hand and seal the 20th day of October, in the first year of the reign of our sovereign lord George, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. A. D. 1714.—JOHN HUGGINS—Sealed and delivered in the presence of SAM. BLUNT, BENJA. ROBINSON.

The First Resolution being read a second time;

"Resolved, That the House doth agree "with the Committee, in the said Resolution, "That William Acton, clerk of the prison of "the Marshalsea, and Farmer of the same "gaol, and the profits thereof, by lease from "Mr. John Darby, the keeper of the said "prison, hath been guilty of many high crimes "and misdemeanors in the execution of his "office, and hath arbitrarily and unlawfully "loaded with irons, tortured, and destroyed, in "the most inhuman, cruel, and barbarous "manner, prisoners for debt under his care, in "high violation and contempt of the laws of "this kingdom."

The Second Resolution being read a Second time;

"Resolved, That the House doth agree "with the Committee, in the said Resolution, "That the charities, given by well disposed "persons, for the relief and sustenance of the "poor debtors, confined in the said prison of "the Marshalsea, are notoriously and scan-"dalously misapplied; and that the keeper of "the said prison, and his dependents, and "agents, instead of distributing the said cha-"rities to the said poor debtors, have most "unjustifiably possessed themselves thereof "and wickedly perverted the same to their "own uses, to the great fraud and oppression "of the said poor prisoners in general, and to "the starving of many, who have perished in "the said prison, for want thereof."

The last Resolution being read a second time:

"Resolved, That the House doth agree with "the Committee, in the said Resolution, "That Mr. John Darby keeper of the said pri-"son of the Marshalsea, having, contrary to,

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"and in defiance of, the law, let to farm his "said gaol, and office, and the profits thereof, "unto the said William Acton, and having "grossly neglected his duty, in not preventing "or remedying, the said inhumanities, cruel-"ties, frauds, and abuses, is guilty of a high "misdemeanor in his office, and a notorious "breach of his trust, in contempt of the law "and to the great oppression and ruin of many "of his Majesty's subjects."

Resolved, *nem. con.* "That an humble Address be presented to his Majesty, that he will be graciously pleased to direct his attorney general forthwith to prosecute, in the most effectual manner, the said William Acton and John Darby, for their said crimes and misdemeanors."

The Bill against Bambridge, the Warden of the Fleet.] May 5. The Judges, according to order, delivered a Bill prepared by them, upon the debate of the House of Lords, intitled, An Act to disable Thomas Bambridge, esq. to hold or execute the office of Warden of the prison of the Fleet, and to impower his Majesty, his heirs and successors, during the life of the said Thomas Bambridge, to grant the said office to such person or persons as he shall think fit. And the same was read the first time, Then it being moved, That the Bill be now read a second time, the same was objected to.

Protest against reading it twice in one Day.] After debate, the question was put, whether this Bill shall be now read a second time? And it was resolved in the affirmative.

"Dissentient'

1. "Because the reading any Bill twice the same day is against the standing orders of this House, which ought not to be broke but in cases of the utmost necessity, and even in those cases ought first to be considered in a full House; or else absent lords, as well as the parties concerned in Bills, may be surprised.

2. "Because we do not conceive that there was the least necessity or occasion for reading this bill twice in one day.

3. "Because we are apprehensive, this may be brought as a precedent hereafter to proceed in too hasty a way, to pass bills, which divest men of their properties, and lay incapacities upon them during life. *(Signed)* Warrington, Strafford, Haversham, Coventry."

Amendments made by the Lords to the Bill against Bribery and Corruption.] May 6. The Lords sent back to the Commons the Bill for the more effectual preventing Bribery and Corruption in the elections of members, with some Amendments, contained in the two following clauses, viz.

'Be it Enacted, 'That such Votes shall be 'deemed to be legal, which have been so de-'clared by the last determination in the House 'of Commons, which last determination con-'cerning any county, shire, city, borough, 'cinque-port, or place, shall be final to all in-'tents and purposes whatsoever, any usage to 'the contrary notwithstanding.

2. 'That if any person who hath or claim-'eth to have, or hereafter shall have, or claim 'to have, any right to vote in any such election, 'shall from and after the 24th day of June, '1729, ask, receive, or take any money, or 'other reward, by way of gift, loan, or other 'device, or agree, or contract for any money, 'gift, office, employment, or other reward 'whatsoever, to give his vote, or to refuse, or 'to forbear to give his vote in any such election, 'or if any person by himself, or any person 'employed by him, doth or shall by any gift or 'reward, or by any promise, agreement, or 'security for any gift or reward, corrupt or 'procure any person or persons to give his 'or their vote or votes, in any such elec-'tion, such person so offending in any of the 'cases aforesaid, shall, for every such offence 'forfeit the sum of 500*l.* of lawful money of 'Great Britain, to be recovered as before di-'rected, together with full costs of suit: And 'every person offending in any of the cases 'aforesaid, from and after Judgment obtained 'against him in any such action, of debt, bill, 'plaint or information, or summary action, 'prosecution or being any otherwise lawfully 'convicted thereof, shall for ever be disabled 'to vote in any election of member or mem-'bers to serve in parliament, and also shall for 'ever be disabled to hold, exercise, or enjoy 'any office or franchise to which he, and they 'then shall, or at any time afterwards, may be 'intitled as a member of any city, borough, 'town corporate, or cinque port, as if such 'person was naturally dead.'

*Debate in the Commons on the Amendments made to the Bribery-Bill by the Lords.**] May

* "The great success, with which the administration carried every interesting question, did not fail to open the mouths of their enemies, who imputed it to the force of corruption only. This outcry, however destitute of foundation, became at last too general to be longer withstood, and the opposition resolved to avail themselves of it. For that purpose a bill was brought in by Mr. afterwards sir Watkins Williams Wynn, for the more effectual preventing bribery and corruption in parliamentary elections. As nothing could have a more unexceptionable title than this bill, the party thought that if the court should venture to put a negative upon it, it would raise an irresistible outcry against them, and that, if it was suffered to pass, it would, in fact, diminish the influence of the minister. He was too wise to give countenance to any opposition to so plausible a bill, and it had a very quick passage through the House; and when it came into the House of Peers, they thought proper to raise the penalty upon a corrupt voter, party or agent, in an election for a member of parliament, from 50*l.* to 500*l.* and the person so convicted, is to for ever disabled to vote for a member of par-

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7. The Commons having taken these Amendments into consideration, some of the courtiers represented, That the Lords making alterations in a bill of this nature was an encroachment upon the rights and privileges of the House of Commons, who were the sole judges of the merits of the elections of their own members. To this

Mr. *William Pulteney* answered, That the freedom of parliament is essentially necessary to the preservation of our ancient constitution: and the freedom of parliamentary elections the most valuable branch of the rights and liberties of Englishmen, of which the Lords are the proper guardians, as well as the Commons, both as a part of the legislature, and as the supreme court of the kingdom: that the freedom of elections, and consequently of parliaments, is the great bulwark of popular liberty against the encroachments and oppressions of arbitrary power and wicked ministers: that if ever this bulwark should be thrown down by force, or undermined by corruption, the very essence of our excellent constitution would be lost, and we should no longer be a free people: and therefore no man, who had any sense of, or value for liberty, could either think the penalties against corruption too severe, or grudge the Lords the honour of having made the provisions of this necessary law more efficacious.

Then the question being put for agreeing to the Amendment made by the Lords, it was carried in the affirmative, by two voices only, viz. 91 to 89.

Motion in the Lords for supplying the Deficiencies in the Civil List.] May 10. Upon report from the Committee of the whole House, upon the Bill relating to the Custom on Corn imported, and for appropriating the Supplies granted in this session of parliament, and other purposes, that they had gone through the Bill without any Amendment; it was moved, That the following Clause be left out of the said Bill, viz.

"And it is also hereby further enacted, That out of all or any of the aids or supplies aforesaid, there shall and may be issued and applyed, for and upon account of the arrears of the several duties and revenues granted to his Majesty, by an act made and passed in the first year of his Majesty's reign, intituled, An Act for the better Support of his Majesty's Houshold, and of the honour and dignity of the Crown of Great Britain, any sum or sums of money not exceeding the sum of 115,000*l.* in such manner and for such uses and purposes as his Majesty shall, from time to time, be pleased to direct and appoint. Provided always, and be it enacted by the authority aforesaid, That in case there shall be standing out or in arrear on the demise of his Majesty, whom God long preserve, any sum or sums of money for or on account of the said duties and revenues, which, together with what hath been or shall be received out of the same, during his Majesty's life, and together with the said sum of 115,000*l.* shall be more than sufficient to complete and satisfy to his Majesty during his life to the yearly sum of 800,000*l.* per annum in clear money, to be computed from the 25th day of June, 1727. Then and in such case, the said sum of 115,000*l.* shall be replaced and refunded, by, or out of, such sum, or sums of money so standing out or in arrear as aforesaid, as shall be more than sufficient to complete the said yearly sum of 800,000*l.* in clear money to be computed as aforesaid, or so much thereof as the monies arising thereby shall extend to satisfy the same, and that the monies so to be replaced, or refunded, shall be separated and kept apart in his Majesty's Exchequer, for the use and benefit of the public, and shall not be issued, or applied, to any other use, or uses than such as shall be directed by authority of parliament."

Protest on that occasion.] This motion being objected to, and the question being put, Whether that Clause should stand part of the Bill? It was resolved in the affirmative, by 69 against 19.

"Dissentient'

1. "Because we apprehend, that this part of the clause is neither founded on the words of the act to which it refers, nor warranted by any construction thereof; for the provision made in that act is, 'That whenever the produce of the several duties and revenues thereby granted appears to be so deficient, that within any one year it should not be sufficient to answer and satisfy the sum of 800,000*l.* then, and not in any other case, such deficiency is to be made good out of the next aids in parliament.' As this act therefore provides only for a real deficiency of the produce, and not for any arrear in the receipt within the year, as it has appeared

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liament, and disqualified from holding any office or franchise as a member of any city, borough, town-corporate or cinque-port. The Lords likewise added to the bill the following excellent clause:

"'That such votes shall be deemed to be 'legal, which have been so declared by the 'last determination in the House of Commons, 'which last determination, concerning any 'county, shire, city, borough, cinque port, or 'place, shall be final, to all intents and pur-'poses whatsoever, any usage to the contrary 'notwithstanding.'

"When the bill was returned with those Amendments, the ministerial party did not enter upon any debate upon the merits of them; but several gentlemen, who were not at all in the interest of the minister, had some doubts as to the peers interfering in so essential a part of the privileges of the Commons.

"The House of Commons that day happened to be but thin. The minister made no point of the question in hand, and therefore left it to its own merit; and the Amendments were agreed to by a majority of no more than 91 against 89." Tindal.

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by the accounts laid before this House, that the real produce was considerably more than sufficient to answer the sum of 800,000*l.*, we think, there can be no colour to affirm that there has been any such deficiency as the act can be supposed to provide for: this appears from the words of the clause, which directs the application of the sum of 115,000*l.* for and upon account of arrears; and we cannot conceive the arrears provided for by this clause, and the deficiency described in the act, to be one and the same thing, since, if they could be so understood, the provision in the clause would have been made agreeable to the words of the act, which relate to a deficiency only; and it would be highly unjust to his Majesty to direct the sum of 115,000*l.* to be refunded to the public at any time, or under any conditions; for if there had been a real deficiency, the grant to his Majesty should be absolute, and the sum of 115,000*l.* would legally balong to him; so that this clause either takes from his Majesty what we have no right to take, or it gives him what, as we conceive, he has no right to claim. As we cannot then consider this sum to be given either for a real deficiency founded on the civil-list act, or that it can be warranted by the said act as a supposed arrear, we conceive it to be a new grant to his Majesty, and a new burthen on the people, which does not appear to us to have been demanded by the crown, and consequently not to have passed according to the forms hitherto practised and requisite in all such cases.

2. "This clause appears to us unreasonable on many accounts; as there was no real deficiency at Midsummer, 1728, to which time the account is stated, so neither is there any arrear at the time when this new supply is granted, but the whole sum of 800,000*l.* and considerably more, was come into his Majesty's coffers, and he was consequently in possession of the very money, the supposed arrear of which is made good to him by this clause: thus it seems to us, that the nation is loaded not to complete, but to augment the sum designed for his Majesty's civil-list, and this at a time when the public debts are encreased, when the taxes are heavily felt in all parts of the country, when our foreign trade is incumbered and diminished, when our manufactures decay, when our poor daily multiply, and when many other national calamities surround us: these considerations are in themselves very moving, and we apprehend they must appear stronger, when it shall be further considered, that his Majesty would be so far from wanting any of those extraordinary supplies, that even without the provision in the Civil-List act, for making good deficiences, he would be possessed of a far greater revenue than king William, queen Anne, or even his late Majesty enjoyed; and yet his present Majesty, then prince of Wales, received out of the Civil-List revenues during the reign of the late King, 100,000*l.* per ann. besides the entire revenues of the principality of Wales, and the dutchy of Cornwall; whereas it does not appear to us, that a like sum of 100,000*l.* per annum, or even the revenues of the principality of Wales, have been yet settled on his present royal highness.

3. "We cannot but be extremely apprehensive of the many ill consequences which may follow from a grant of money to the crown, so ill grounded and so unreasonable as we conceive this to be: the advantage in favour of his Majesty, established by the Civil-List Act, is very great, since if the produce of the revenues granted and appropriated to the use of the Civil-List, does not answer the yearly sum of 800,000*l.* the deficiency is to be made good to his Majesty by the public; whereas no provision is made by which, if the produce of these revenues exceeds the sum of 800,000*l.* the surplus shall accrue to the benefit of the public; by this precedent, not only real deficiencies are to be made good, but supplies are to be given for arrears standing out at the end of every year, which shall come in before the supplies can be granted, though the supply given to make good arrears in one year will certainly increase the surplussages in another: when we consider the method which has obtained, of anticipating the revenues before they come into the exchequer, contrary to the ancient and legal practice, when we reflect in what manner these accounts have been made up, and in what manner they have been brought in, we cannot but apprehend that a door is opened by this precedent for laying new and excessive charges on the nation: the revenues appropriated to the uses of his Majesty's Civil-List are subject in their own nature to vary, and even when there is no deficiency in the produce, there may be arrears in the receipt; these arrears may easily be increased by the management of designing ministers, by private directions to receivers, and by artful methods of stating accounts; from all which we cannot but apprehend, that now this precedent is made, we may have frequent accounts of arrears, and a grievous and even intolerable load may be brought on the nation in a short time; and we are persuaded that his Majesty can have no satisfaction in finding his court abound in wealth, whilst he may undergo the mortification of seeing his people reduced to poverty; neither can we conceive that the latter part of the clause is, in any degree, an adequate provision against the evil we complain of, or the apprehensions we entertain; for an account to be made up at his Majesty's demise will not prevent the consequences of this precedent during his life; and as we hope that his reign will be long, so we may be allowed to fear that even during the continuance of it, this extraordinary method of increasing his Majesty's private revenue (already very ample) may prove a source of general discontent, which is but too apt to produce general disaffection. —— *(Signed)* Plymouth, Willoughby de Broke, Gower, Boyle, Oxford and Mortimer, Northampton, Strafford, Warrington, Coventry, Bathurst, Litchfield, Beaufort, Scarsdale, Montjoy."

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Protest against passing the Clause for granting 115,000*l. to the King.*] May 12th. The Lords read the third time the Bill above mentioned: and the question being put, That the said Bill do pass, it was resolved in the affirmative.

"Dissentient'

1. "Because, we conceive, there will accrue less detriment to the public, by rejecting this Bill, than agreeing to it with that part of the appropriation clause, which enacts the sum of 115,000*l.* to be given to his Majesty for and upon account of arrears in his Civil List: since it would have been easy, had this Bill been rejected, to have provided for the general appropriation of the several aids granted in this session of parliament in some other manner.

2. "Because the revenue for defraying the expences of his Majesty's civil government being considerably more ample than that of any of his predecessors, we flattered ourselves that the public would not have been called upon again in so short a time, to make an addition to that liberal provision for the crown, though there had been some small deficiency in some of the duties appropriated to the service of it; but this, in our opinion, is so far from being the case, that we are firmly persuaded, if we had agreed to this Bill, with that part of the clause, we should have consented to a grant of a new aid, and not to make good the deficiency of an old one, since it seems evident to us, that the produce of the Civil List funds, in the first year of his Majesty's reign, rather exceeded than fell short of 800,000*l.* even from those accounts delivered into the House, which, we believe, will be universally allowed to be free from any suspicion in favour of the people.

3. "Because we look upon this to be not only a grant of a new aid, but a grant made in such an irregular manner, without being demanded by the crown, that it cannot but give us some reason to think, that however it may be wanted by the ministers, it may possibly not be desired by his Majesty.

4. "Because the literal interpretation of part of the act for settling the Civil List Revenues on his Majesty, which was contended for, in order to justify that part of this clause to which we object, seems to us liable to consequences very dangerous to the properties of all the subjects, by putting it into the power of those who have the management of the public money, to give the crown a title to the arrears of the Civil List Funds (though perhaps left on purpose in the hands of the receivers) and to a parliamentary supply for those very arrears too.

5. "Because the argument which was used for passing the clause, from the smallness of the sum, seems to us a much stronger reason why it should not be asked, than why it should be granted.

6. "Because, we observe, that whenever a supply for the Civil-List has been asked in parliament, it has caused great uneasiness in the nation, though demanded from the crown itself, and upon pretences, in our opinion, more justifiable, and at times less unseasonable than this, when, notwithstanding our most prevailing methods of negociation, the fate of Europe, as far as we are enabled to judge, is still in suspence, and we labour under difficulties that unavoidably attend such a doubtful and undetermined situation of our affairs abroad; when the complaints of the people at home are general and loud, and, as we fear, too well founded on account of their poverty, and other calamities with which they have been long afflicted; and when, for that reason, it appears to us to be not only a proper clemency, but true policy too, to avoid giving them the least ground to apprehend that the parliament, by laying unnecessary burthens upon them, may itself become one of their grievances.

7. "Because this attempt, when we consider it in all its circumstances, as far as appears to us, is without example, and we dread lest it should be made one, and laid hold of as a precedent hereafter; if ever the nation should have the misfortune to see a lavish, weak and rapacious ministry, armed with great power, desirous to raise such extraordinary supplies, more in reality to support their own inconsiderate and pernicious schemes, than the honour and dignity of the Crown.——*(Signed)* Scarsdale, Plymouth, Beaufort, Coventry, Oxford and Mortimer, Strafford, Montjoy, Boyle, Northampton, Willoughby de Broke, Warrington, Litchfield, Gower, Bathurst."

The King's Speech at the Close of the Session.] May 14. The King came to the House of Lords with the usual state, and the Commons attending, his Majesty gave the royal assent to several public and private Bills, and then made a Speech to both Houses, as follows:

"My Lords and Gentlemen,

"The season of the year, and the dispatch you have given to the public business, make it proper for me to put an end to this session of parliament; which I cannot do without expressing my satisfaction at the just regard you have shewn upon all all occasions, to my honours and to the true interest of my people.

"The prudence and temper, with which you have proceeded at this critical conjuncture, have been very acceptable to me, and cannot fail of meeting with general approbation: your several determinations, upon matters of the greatest nicety and importance, have shewn you not insensible of the difficulties we labour under, without suffering yourselves to be transported, and carried into any unreasonable warmths and animosities. You have considered the losses of our merchants, with a becoming compassion and concern: and received their complaints in such a manner, as will best conduce to the obtaining them justice and satisfaction; and you may be assured, no endeavours shall be wanting, on my part, to answer the expectations and wishes of my people.

"Gentlemen of the House of Commons,

"The Supplies which you have granted me,

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and so effectually raised, in a manner the least burthensome to my subjects, are a new proof of your zeal, affection, and readiness to support me in the defence and protection of the rights and privileges of my kingdom. It is a great satisfaction to me to observe, that you have been thus able to supply the necessary charges and expences that have been unavoidably brought and continued upon us, and at the same time to make a farther progress in lessening and reducing the National Debt.

"My Lords and Gentlemen,

"I have already acquainted you, that it being necessary for me to visit my German dominions this year, I have determined to make the Queen regent here, during my absence; and I must, in a particular manner, recommend it to you all, to make her administration as easy as possible, by preserving the peace and quiet of the kingdom, in your several stations and countries; and by endeavouring to discountenance and restrain the vile and seditious practices of raising unjust clamours, and creating discontents in the minds of my people."

Then the Lord Chancellor prorogued the parliament to the 22nd of July. It was afterwards prorogued to the 13th of January.

PRINCIPAL OCCURRENCES DURING THE RECESS.] All this time there was a total suspence of all negotiations for peace, excepting those that were not ripe enough to be owned. The imperial first plenipotentiary still resided in France, in order to determine himself according to the answer that was to come from Spain upon the duke de Bournonville's arrival at the court of Madrid; and cardinal Fleury laboured very hard to keep all parties in good humour. The apparent causes which this year carried his Majesty to Germany, were to compromise some differences that had happened between the regency of Hanover and his Prussian majesty, about a breach of the cartel subsisting between those two powers, by the Hanoverians detaining some Prussian subalterns and soldiers, as they were passing through the territories of Hanover; but this affair was made up, being referred to the duke of Saxe Gotha.

Another incident at this time happened in Germany, which was very interesting to his Majesty. The duke of Mecklenberg had been deposed by the emperor and the aulic council, from his duchy, for tyranny, cruelty, and other acts of contumacy, against his imperial majesty, and the administration of that duchy was conferred upon duke Christian Louis. The late king, it seems, together with the duke of Wolfenbuttel, had been intrusted with the execution of some imperial decrees against the duke of Mecklemberg, which had run them into expences, and having obtained a mortgage upon that duchy, they refused to part with it, or with the chest of its revenues; at the same time they hinted to the duke-administrator, that he ought to be cautious how he accepted of the administration, that had been conferred upon him. Though nothing could be more reasonable than this demand, the emperor pretending that it would render ineffectual the present administration of the duchy, published a rescript, requiring the king of Great Britain and the duke of Wolfenbuttel to desist from their claims, till they should be settled in an amicable manner. But this rescript had very little weight with those princes, and they returned an answer to it, writing a letter the same time to the king of Prussia with the answer inclosed, and desiring that prince to concur with them, in maintaining the rights of the empire.

But the great event, which this year struck all Europe, was the conclusion of the treaty of Seville, between the king of Great Britain and his Catholic majesty. Colonel Stanhope, afterwards earl of Harrington, was allowed by all parties to understand foreign affairs the best of any minister in England. Though employed in most negotiations abroad, and trusted by the minister at home, yet such was his moderation, good sense, and integrity, that he was not considered as a party-man, and had few or no personal enemies. His master had given him very early marks of distinction and confidence, and seemed to have a pleasure in advancing his fortune and dignity. He had this year been nominated ambassador extraordinary to his Catholic majesty, and, together with Mr. Keene, the British plenipotentiary at the court of Madrid, had the management of this treaty on the part of Great Britain; the Spanish plenipotentiaries being the marquis de la Paz and don Joseph Patinho.

By the first article of this celebrated treaty, all former treaties and conventions between the two powers, are as amply confirmed, as if they had been there, word for word. By the second article, the two kings guarantee each other's kingdoms; and in case of either of them being attacked, the other is to furnish the party so attacked, with 8,000 foot and 4,000 horse, the same to be furnished either in men, ships of war, or transports, or money. The third article makes void all his Majesty's engagements by the treaty of Vienna, that could be prejudicial to the treaties between the two crowns, antecedent to the year 1725. By the fourth article, the commerce of the English and French nations, both in Europe and in the Indies, are to be restored to their former footing, and orders are instantly to be dispatched on all sides for that purpose. The fifth article obliges his Catholic majesty to make reparation for all damages that had been done by his subjects to other contracting powers. The 6th, being of the utmost importance, and having been attended with great consequences and alterations, we shall give verbatim.

"Commissaries shall be nominated with sufficient powers on the part of their Britannic and Catholic majesties, who shall assemble at the court of Spain, within the space of four months after the exchange of the ratifications of the present treaty, or sooner, if it can be done, to examine and decide what concerns the ships and effects taken at sea on either

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side, to the time specified in the preceding article. The said commissaries shall likewise examine, and decide according to the treaties, the respective pretensions, which relate to the abuses that are supposed to have been committed in commerce, as well in the Indies as in Europe, and all the other respective pretensions in America, founded on treaties, whether with respect to the limits, or otherwise. The said commissaries shall likewise discuss and decide the pretensions which his catholic majesty may have, by virtue of the treaty of 1721, for the restitution of the ships taken by the English fleet in 1718. And the said commissaries, after having examined, discussed, and decided the abovesaid points and pretensions, shall make a report of their proceedings to their Britannic and Catholic majesties, who promise, that within the space of six months after making the said report, they will cause to be executed, punctually and exactly, what shall have been so decided by the said commissaries."

The seventh article contains a stipulation of commissaries, to be appointed on the part of his most Christian and Catholic majesties, for deciding all differences. The eighth article limits the time for the several commissaries finishing their commissions to three years.

By the ninth article, 6000 of his Catholic majesty's troops are, without loss of time, to garrison Leghorn, Porto Ferraro, Parma and Placentia, which troops shall serve for the better securing and preserving of the immediate succession of the said states, in favour of the most serene infant don Carlos, and to be ready to withstand any enterprise and opposition, which might be formed, to the prejudice of what has been regulated touching the succession.

By the tenth article, the contracting powers are to use the softest and most effectual means of persuading the dukes of Tuscany and Parma, that the garrisons might be quietly received; and stipulating the taking of an oath to be faithful to the regnant powers, in every thing that shall not be contrary to the right of the succession, reserved to the most serene infant don Carlos. It is likewise stipulated, that the said garrison shall not meddle directly nor indirectly in the government of the places where they are garrisoned, and render to the dukes of Tuscany and Parma, all the honours that are due to sovereigns in their own dominions.

By the eleventh article, his Catholic majesty engages to withdraw his troops from the said garrisons, as soon as the said successions are quietly settled in the person of don Carlos his son. By the twelfth article, the contracting powers become guarantees for don Carlos quietly possessing and enjoying the said states of Tuscany, Parma, and Placentia, after he has succeeded thereunto.

By the thirteenth article, the kings of England and France promise to ratify and guarantee all the particular regulations that shall be concerted between his Catholic majesty and the two dukes of Tuscany and Parma, relating to the said garrisons. The 14th article stipulates, that the States General of the United Provinces shall be invited to accede to the treaty, the ratifications of which were to be dispatched within the space of six weeks at farthest.

Besides these, there were two separate articles; the first, confirming the treaties of peace and commerce, concluded at Utrecht the 13th of July and 9th of December, in the year 1713, in which are comprised the treaty of 1687, made at Madrid, and the cedulas therein mentioned, the latter treaty made at Madrid the 14th of December, 1715, as also the particular contract, commonly called the Assiento, for bringing negro slaves into the Spanish Indies, which was made the 29th day of March, in the said year 1713, in consequence of the 12th article of the treaty of Utrecht, and likewise the treaty and declaration, touching that of the Assiento, made the 26th of May 1716. The 2nd separate article says, that all ships, merchandise and effects, which shall not have been taken or seized on account of unlawful commerce, and which shall now be proved by authentic documents, to have been detained, seized, or confiscated, in the ports of Spain, either in Europe or in the Indies; and namely, the ship Prince Frederic and her cargo, if they have not been restored already, shall be immediately restored, in the same kind as to those things which shall be found still remaining in that condition; or in default thereof, the just and true value of them, according to their valuation, which, if it was not made at the time, shall be regulated by the authentic informations, which the proprietors shall exhibit to the magistrates of the places and towns, where the seizure is made. His Britannic majesty stipulates the same on his part, and all matters of controversy, not yet settled between the two nations, are to be left to the discussion of the commissaries, upon the footing of the treaties there abovementioned.

Such were the contents of the famous treaty of Seville, which afterwards produced such alterations as to the system of power in Europe, aided by the other events, which happened. This year, the French monarchy received a great accession of strength and security, by the birth of a dauphin in September.*

THIRD SESSION
OF THE
SEVENTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on Opening the Session.] January 13, 1730. The King came to the House of Peers, and the Commons attending, his Majesty made the following Speech to both Houses:

* Tindal.

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"My Lords and Gentlemen;

"It is with great satisfaction I acquaint you, that we have at length extricated ourselves from the many difficulties and inconveniences that attended the uncertain state of affairs in Europe, by having concluded an absolute peace with the crown of Spain.

"This negociation hath been carried on, and finished, with a perfect union, harmony, and fidelity, between me and my Allies, with no other view but to prevent the miseries and confusion of a war, which if once kindled in Europe, it had been as hard to know the end, as to determine the success of such a fatal event.

"As this Alliance is built upon the foundation, and is agreeable to the purport and intentions, of former Treaties, without any alterations in the principal Articles, but such as tend to render more effectual, what the contracting powers in the Quadruple Alliance were before engaged to see performed, it is very justly to be presumed, that from this happy beginning, the great work, of a General Pacification, will soon be perfect and complete.

"But if, contrary to expectation, and in resentment of the present Engagements, any new troubles, although with little prospect of success, should be raised in Europe, to oppose or disappoint the execution of them, I am confident I shall not want the support and assistance of my parliament in so just a cause, which hath the joint concurrence of so many considerable powers, for the honour and credit of the present measures, and their united strength, in maintenance of our mutual stipulations.

"In the mean time, I can assure you that I have made it my first care to consult the immediate interests of these my kingdoms, preferable to any other consideration, and at the hazard of all other events.

"All former Treaties and Conventions made with Spain, in favour of our Trade and Navigation, are renewed and confirmed; not only a free and uninterrupted exercise of our commerce, for the future, is restored; but just and ample restitution and reparation, for unlawful seizures and depredations, are expressly stipulated, and agreed to: In general, all rights, privileges, and possessions, in any manner belonging to me and my Allies, are solemnly re-established, confirmed and guaranteed, and not one concession is made to the prejudice of me or my subjects.

"By this means, a foundation is laid for removing all former animosities and misunderstandings between the kingdoms of Great Britain and Spain: and it is not at all to be doubted, but that, by a faithful execution of our reciprocal engagements, a perfect friendship betwixt the two nations, united by the common ties of mutual interest, may be more strongly established and cemented than ever.

"And that my subjects might reap the earliest fruits of this advantageous peace, I gave orders for the immediate reduction of a great number of my Land-Forces, and for laying up and discharging a great part of my Fleet.

"Gentlemen of the House of Commons;

"This will make a considerable saving in the expence of the current year, and I hope it will give a general satisfaction to my people, as it is a most sensible pleasure to me. The proper estimates shall be laid before you, and I make no doubt but you will grant me the necessary supplies, and enable me to make good my engagements with my allies, in such manner as shall be most effectual for the public service, and most easy to your fellow subjects.

"You will see, by the Accounts that will be laid before you, the state, produce, and application of the Sinking Fund, as far as hath been hitherto directed by act of parliament; and you will not fail to take into your consideration the farther disposition of the growing produce: You are the best judges, whether the circumstances of the Sinking Fund, and of the National Debt, will as yet admit of giving ease, where the duties are most grievous. I have the greatest regard for the Sinking Fund, and look with compassion upon the hardships of the poor artificers and manufacturers. I leave it to your determination, what may reasonably and with due caution be done upon this critical consideration.

"My Lords and Gentlemen;

"That we may receive the natural advantages of our present situation, I must in the strongest manner recommend to you a perfect unanimity among yourselves; such as may entirely defeat the hopes of our enemies both at home and abroad: the groundless insinuations, cavils, and clamours of some few ill designing persons, to shake the steadiness of those powers who are already my Allies, or to hinder others from becoming so, will, by your unanimity, be rendered ineffectual; and I desire that the affections of my people may be the strength of my government, as their interest has always been the rule of my actions and the object of my wishes."

The Lords' Address of Thanks.] The Lords agreed upon the following Address of Thanks, which was presented to his Majesty on the 14th:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return the humble Thanks of this House for your Majesty's most gracious Speech from the throne.

"We humbly congratulate your Majesty upon your safe and happy arrival in this kingdom, and are deeply sensible, that nothing could in any degree alleviate the loss we must ever suffer by your Majesty's absence from us, but the prudent and happy administration of the government by the Queen, in the most critical conjuncture of affairs, under your Majesty's authority, and by your great example.

"We want words to express our joy and gratitude in congratulating your Majesty on your having concluded an absolute Peace with the crown of Spain; and when we reflect upon

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the tender and anxious concern your Majesty has shewn, during the whole course of the late uncertain state of affairs in Europe, we cannot but look upon this happy event as a public reward from heaven for your Majesty's love of your people.

"The earnest desire of your Majesty to prevent the miseries and confusion unavoidable in war, (the events of which are far removed from all human foresight, even under the conduct of the greatest princes) and at the same time your steadiness and resolution in continuing the necessary preparations, joined with a perfect union and mutual fidelity between your Majesty and your allies, have at last surmounted all difficulties that stood in the way of our happiness.

"An Alliance built upon the foundation of former Treaties, and rendering more effectual what the contracting powers in the Quadruple Alliance were before obliged to perform; the confirming all former Conventions made with Spain in favour of our trade; the stipulating a just and ample restitution and reparation for unlawful seizures and depredations; and in general, the re-establishment and guarantee of all rights, privileges and possessions, in any manner belonging to your Majesty, or your Allies, without any concession being made to the prejudice of your Majesty, or your subjects, are conditions intirely agreeable to the true interest of Great Britain, equal even to those we might have expected after a prosperous war, as the fruits of victories, if your Majesty's unwearied labours for peace had been unsuccessful.

"We have the greatest reason to believe, that a general pacification will be the consequence of this happy beginning; for your Majesty, having no ambition but to defend the honour and rights of this nation, to see our trade flourish, and to reign over a happy and willing people, is ever averse to war: and, on the other side, so just a cause, supported by the united strength of so many considerable allies, joined in interest for the tranquillity of Europe, will incline other powers to peace. This, we hope, will produce an universal approbation of the present engagements. But as your Majesty's first care has been to consult the immediate interests of these your kingdoms, preferable to any other considerations, and at the hazard of all other events; if contrary to expectation, and in resentment of these measures, any new troubles should be raised in Europe, to oppose or disappoint the execution of them, the same justice, gratitude and honour which have hitherto influenced us, must make us exert ourselves to the utmost to support and assist your Majesty.

"Your Majesty, by the immediate reduction of a great number of your Land Forces, and the laying up a great part of the Fleet, has shewn how unwilling you was to suffer any time to intervene between the conclusion of the peace, and letting your subjects see the happy effects of it. This lays the strongest obligation upon us to place the greater trust and confidence in your Majesty, when we find by experience, that our military preparations are made only when the public necessities call upon your Majesty to defend your kingdoms, and are laid aside the very instant that our safety will admit of it.

"The unanimity among ourselves, which your Majesty is graciously pleased to recommend to us, is one of the least returns we ought to make for these blessings procured for us: your Majesty has completed the wishes of all your good subjects, and the despair of the bad: you have obviated all the groundless cavils and clamours, which even malice itself could invent; so that the insinuations of any considerable remnant of faction, which may be yet in being, will have as little appearance of veracity abroad, as of duty, loyalty, or love of their country at home: and will serve only to excite us all to act with the greatest zeal and harmony, so as to make your government as easy and happy for your Majesty, as it is for us."

The King's Answer.] To this Address the King returned the following Answer:

"My Lords;

"I thank you for this dutiful and loyal Address. I doubt not but my subjects will reap great advantage from the Treaty concluded with Spain; and a faithful execution of all that is stipulated in their favour, shall be my principal care; to which nothing will contribute more effectually, than the strong and affectionate assurances you give me of your support and assistance, in case any power should, in resentment of these measures I have taken, endeavour to raise new troubles."

The Commons' Address of Thanks.] When the Commons returned to the House, sir Robert Walpole laid before them the Treaty of Seville, and the Court Party moved for a very particular and loyal Address of Thanks to the throne, almost in the very terms of the Speech. This motion was made by lord Fitzwilliams, but opposed by the Country Party, who were for saying no more than "to assure his Majesty of the steady and zealous attachment of the House to his royal person, government and family; and that the House would effectually support his Majesty in all measures which shall be necessary for the honour and dignity of his crown, and for the interests and welfare of his people."

In support of this alteration and omission, many severe things were said of the Treaty, which had been made public for some time. Sir John Hind Cotton, a sharp, severe, but not a weighty speaker, was generally looked upon as one of the chief Tories in the House, and was always ready to join in every measure of opposition to the Court. He said, that the ministry had imposed upon his Majesty in calling the peace an absolute one; because the most important interests of Great Britain were left to a future discussion. The minister main-

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tained, that the peace was absolute, and that no difficulties could happen in the execution of it, unless the Spaniards and other powers were encouraged to raise them by the dissentions that might happen at home. Many other speeches were made on both sides; but the question being put for the above words to be left out, it was resolved in the affirmative by a majority of 262 against 129. The Address first moved for was then carried up to his Majesty, and was as follows:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, return your Majesty our most humble Thanks for your most gracious Speech from the Throne.

"We cannot omit taking this first opportunity to congratulate your Majesty upon your happy return into these kingdoms: The just and prudent administration of the government during your Majesty's absence by the Queen your royal consort, ruling by your authority, and governing by your example, could alone compensate for the want of your royal presence and auspicious influence among us.

"The welcome news of your Majesty's having concluded an absolute Peace with the crown of Spain, effected by a perfect union, harmony and fidelity between your Majesty and your allies, filled the hearts of all your good people with inexpressible joy and satisfaction; and we should be wanting in duty to your Majesty, in justice to ourselves, and not answer the expectations of those we represent, if we did not approach your Majesty upon this happy occasion with hearts full of duty and gratitude, and with the strongest acknowledgments of your Majesty's goodness, wisdom and resolution; your wisdom and resolution, in not suffering yourself to be diverted by any false and malicious clamours and insinuations, from steadily pursuing the great and desirable work of giving Peace to your people; your goodness in consulting the immediate interests of these your kingdoms, preferable to all other considerations, and at the hazard of all other events.

"This must convince the world of your Majesty's paternal care and tender regard for your British dominions, when we see all former treaties made in favour of our trade and commerce, and for the security of the rights, privileges, and possessions belonging to your Majesty renewed and confirmed; when we see the crown of Spain under new and fresh obligations to your Majesty, not only to permit to your subjects a free and uninterrupted exercise of their trade and commerce for the future, but to make just and ample restitution and reparation for all former unlawful seizures and depredations.

"The extension of former engagements, without any material alterations in the principal articles from the purport and intentions of former treaties, in order to obtain these great and truly valuable advantages, without one concession made to the prejudice of your Majesty or your subjects, is a consideration, that to reject, had been losing the fairest opportunity to recover the ancient freedom and liberty of trade and commerce to these kingdoms; and not faithfully to fulfil and execute what is stipulated on your Majesty's part to secure a reciprocal performance from your Majesty's allies, of the engagements they have entered into, would be abandoning the particular interests and properties of your Majesty's trading subjects; and to expose the trade and commerce of this nation to all the hazards and uncertainties, which they have so long laboured under.

"These blessings, secured to us, will sufficiently compensate all inconveniencies that can attend the performance of your Majesty's engagements: And as it is justly to be presumed, that a general pacification and tranquillity in Europe will be the consequence of the present Treaty, the prospect of seeing this soon complete and perfected adds greatly to our satisfaction.

"But if, contrary to expectation, and in resentment to your Majesty's just and prudent measures, any new troubles should be raised in Europe, to oppose or disappoint the execution of the present engagements, we think ourselves obliged by the strongest ties of duty, affection, and gratitude, to assure your Majesty, that we will stand by and support your Majesty against all insults and indignities that shall be offered to your Majesty, and that we will enable you to make good your engagements with your allies.

"The immediate reduction of so considerable a part of your forces by sea and land, upon the first notice of the confirmation of the peace, is another instance of your Majesty's care and attention to the ease and welfare of your people; and the recommending to our consideration the state of the Sinking Fund, in so gracious and condescending a manner, obliges us to proceed with all possible caution and prudence in an affair of that nicety and importance, where the earliest discharge of the National Debt on one hand, and the hardships of the poor artificers and manufacturers on the other, require the greatest regard, and deserve the most mature deliberation.

"From a due sense of these many proofs of your Majesty's unwearied endeavours to consult the happiness of your people, we think ourselves obliged to assure your Majesty, that this House will, by the best and most easy methods, effectually raise the necessary supplies for the service of the current year; and by a proper zeal and concern for the honour of your Majesty, the public tranquillity, and the good of your people, defeat the vain expectations of such ill-designing persons, who may flatter themselves with the hopes of being able, by groundless insinuations, cavils and clamours, to shake the steadiness of those powers who are already allies to your Majesty, or to hinder others from becoming so."

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The King's Answer.] To the above Address, his Majesty gave this Answer:

"Gentlemen,

"I return you my thanks for this very affectionate and loyal Address. The assurances you have given me, and the support of my parliament in enabling me to make good my engagements with my allies, will, I promise myself, greatly contribute towards settling the general pacification of Europe.

"You may be assured, that the confidence you repose in me shall never be made use of, but for preserving the public tranquillity, for maintaining the rights and interests of my people, and in vindication of my honour and dignity."

Debate in the Commons concerning the Number of the Land Forces.] Jan. 28. The Commons, in a grand committee on the Supply, took into consideration the charge of the Land Forces for the service of the year 1730, and

Mr. *Henry Pelham*, Secretary at War, moved, "That the number of effective men for guards and garrisons in Great Britain, Jersey and Guernsey, with 1,850 invalids and 555 men, for the six independent companies in the Highlands, be 17,709 men, commission and non-commission officers included."

This motion was seconded by sir William Yonge, but was opposed by Mr. Pulteney and lord Morpeth, who were for reducing the number to 12,000 men, Mr. Pelham in support of his motion, having urged, That every reduction which hath been made within these 16 years, has been attended with some ill consequence or other, which soon after forced us upon a more considerable expence; and that it would be necessary to continue that number, if they consulted the preservation of the government itself.

Mr. *Shippen* hereupon stood up, and spoke as follows:

Mr. Speaker;

After the debates we have had on this subject for many years successively, it is hardly possible to offer any thing new; and repetition, if I may judge by myself, is as disagreeable to those that speak, as it can be to those that hear. However, a total silence at this time would mis-become me, who too often trouble you on occasions of less importance, when you are going to put a question, that tends directly towards the establishment of an army in Great Britain, which I hope will never be so far Germanized, as tamely to submit to a military government.

I will not insinuate, that the honourable person who made the motion, did it rather to comply with the obligations of his office, from whence the army estimates are brought into the House, than out of any conviction that the troops demanded are necessary for the service of the year, because he declares otherwise: and as we are all supposed to act here without influence, so we must not suspect, that he ever countenanced those almost irresistible jobs, which my new ally on the floor [Mr. W. P.*] owns attended the war-office in his time, and which he believes now attend all offices concerned in the public expences. But I will insist, that this motion is a flat negative to the Address, for which he voted the first day of the session; and it plainly implies a distrust of the validity of the Treaty of Seville, which he then assured us would immediately produce all the blessings of an absolute peace, and deliver us not only from the apprehensions, but from the inconveniences of a war. Now he is pleased to change his language, and endeavour to persuade us, that we ought not to make any reduction of our Land Forces; because our circumstances have been such for 16 years past, that whenever any reduction has been made, something happened which soon occasioned an increase of troops and expences.

If we were to allow him this last sort of reasoning, in opposition to his former, it would prove too much; it would prove, that we have no other cause to rejoice at the late reduction, for which we have humbly thanked his Majesty, than that it was so small; it would prove, that notwithstanding our famous and successful negotiations, we are like to remain in the same condition, and under the same difficulties, we have been for 16 years together. But to pass over these remarks, the late reduction was very fallacious, and looked as if those, who had the direction of it, were not heartily inclined to get rid of our growing military power, or to return to the free exercise of our civil government. Nay, we have just heard it laid down for doctrine, that though our government is not military, though an army is not part of our constitution, yet it will be necessary to continue our present army of near 18,000 men for many years longer, on account of the government's consulting its own preservation.

Sir, the principle of self preservation will last as long as persons and governments themselves subsist, and is an argument that may be constantly renewed; that may be urged *ad infinitum*. But I am so far from admitting this argument in its full extent, that I cannot admit it in any degree, as applied to the present question. For it does not appear to me, that we can have occasion, even this year, for all the troops demanded, considering the glorious scene of affairs, which the honourable gentleman says is opened to us, and to all Europe: they are not necessary, I suppose, to awe Spain into a firm adherence to its own treaty: they are not necessary, to force the emperor into an immediate accession: nor are they, in any sort, necessary, for the safety of his Majesty's person and government.

Force and violence are the resort of usurpers and tyrants only.——I perceive some gentlemen take offence at my words, and therefore,

* Mr. William Pulteney, Secretary at War from Sept. 27, 1714, to April 10, 1717.

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that they may not be misconstrued, I will repeat them.——I assert then, it is a grounded maxim in civil science, that force and violence are the resort of usurpers and tyrants only; because they are, with good reason, distrustful of the people, whom they oppress; and because they have no other security for the continuance of their unlawful and unnatural dominion, than what depends entirely on the strength of their armies.

But it is the peculiar happiness and glory of Great Britain to be blessed with a Prince, who wants no such support; who reigns absolute in the hearts of his subjects; who prefers their ease and interest to the lustre and grandeur of his crown; who sets them a pattern of prudence and wisdom; whose royal goodness would be offended with continuing any tax, or any burthen upon them, but what is requisite to supply the immediate occasions and necessities of his government.

For these reasons, Sir, I cannot assent to the question. But, before I conclude, give me leave to say, there is an article in the Estimate under your consideration, which I readily allow, in the midst of all my frugality; though I must at the same time own, with those gentlemen who dispute it, that it is a new item, and an additional article to the Estimate of the last year, I mean the Salary of 200*l.* for the Physician of the Tower: for no person, who shall hereafter have the misfortune to be confined there, on any account whatsoever, should want proper assistance in case of sickness. Members of this House have been frequently sent thither, and for very different reasons. Some for speaking freely, * others for acting corruptly. Now, as it is uncertain of what denomination the member, or any other gentleman may be, who shall next be committed to that State-Prison, let us give an instance of our general compassion, and not grudge so trifling a sum for so charitable a purpose.

After this the question being put on Mr. Pelham's motion, it was carried in the Affirmative; and it was farther resolved, "That the sum of 723,032*l.* be granted for the Charge of the said 17,709 men."

Debate in the Lords on the Treaty of Seville.] Jan. 27. The Lords, according to order, proceeded to take into consideration the Treaty of peace, union, friendship and mutual defence between his Majesty and the most Christian King, and the king of Spain, concluded at Seville the 9th of November, N. S. 1729, with the separate Articles thereunto belonging: And the same being read by the clerk,

Lord *Bathurst* moved, That the 5th Article of the Quadruple Alliance might be read, which being done his lordship moved for the following question, "That the Agreement in the Treaty of Seville to secure the Succession of Don Carlos to the duchies of Tuscany, Parma and Placentia, with Spanish Troops, is a manifest violation of the 5th Article of the Quadruple Alliance; tends to involve this nation in a dangerous and expensive war; and to destroy the balance of power in Europe." *

The Lord *Townshend* spoke against the question, and observed, That it was allowed by friends and foes, and his Majesty had acquired great honour in making the Treaty of Seville: that it was a reproach on our Allies to insinuate they had acted otherwise than in friendship with us: that the word 'Violation' in the question could not be applied to this Treaty; and his Lordship added, That in his opinion, the question tended only to encourage the emperor to stand out, and to provoke the court of Spain, therefore he hoped it would not pass.

Then the question being put on the said motion, it passed in the Negative by 86 against 31.

Then it was moved to resolve, "That our right of sovereignty, dominion, possession, and claim to Gibraltar and the island of Minorca is not ascertained by the Treaty of Seville, so as to extinguish the claims and pretensions set up by the Spaniards, which were followed by an actual siege since the cession of those valuable places by the Treaty of Utrecht." After debate, the question was put thereupon, and resolved in the negative: Contents 31, Not-contents 85.

* See vol. 7, p. 511.

* "Nothing could be a greater proof of the infatuation that people may be under from party prejudices, than the treatment which this negotiation met with all over the kingdom. The ministry, it must be acknowledged, in concluding it, had chiefly in their eye the preservation of the public tranquillity, by which England was every day making immense acquisitions of wealth and commerce. But this was a conduct very distant from, and destructive of, the views of the Opposition, who knew that the ministry never could be shaken but in a time of war or public commotion. The ministry, on the other hand, treated the opposition they met with, too superciliously within doors, and too incautiously without. Secure of their own numbers in the House of Commons, and conscious that the opposition was carried on only from views of interest and ambition, they did not enter into that length and solemnity of debate that was necessary either for the conviction or conversion of the few who opposed them from principle only. In short, matters were rather carried by dividing than debating. Many noblemen and gentlemen of great and independent fortunes, took this method of proceeding amiss, and resented it by voting against the ministry. This gave the public such unfavourable impressions of his Majesty's measures, that nothing either spoken or wrote for the ministry, had a fair hearing. It must be owned at the same time, that those prepossessions were in a great measure owing to the weakness of the ministerial advocates without doors, who in general were the very worst pens that money or favour could procure." Tindal.

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Then it was moved, "That an humble Address be presented to his Majesty, that he will be graciously pleased to order to be laid before the House, a Copy of the Orders and Instructions given to sir George Byng, now lord viscount Torrington, who commanded the Fleet in the Mediterranean in the year 1718." But the question being put thereupon, it was resolved in the negative.

Then it was proposed to resolve, "That the Stipulations in the Treaty of Seville for the repairing the Losses of the Merchants, are insufficient and precarious. And the question being put upon the said proposition, it was resolved in the negative; Contents 30, Not-contents 79.

The Duke of Devonshire moves the House to declare their Approbation of the said Treaty.] Then the duke of Devonshire moved to resolve, "That the said Treaty of Seville does contain all necessary stipulations for maintaining and securing the honour, dignity, rights and possessions of this crown; and that all due care is taken therein for the support of the trade of this kingdom, and for repairing the losses suffered by the merchants."

Protest against it.] After debate, the question was put thereupon, and it was resolved in the affirmative, by 72 against 30.

"Dissentient',

"Because, we think, this question, from the debate as well as from the import of the question itself, was designed as a justification of the whole Treaty, which appears to us neither to be solid, honourable, nor advantageous for the following reasons:

1. "Because we know not whether all the treaties and conventions concluded between England and Spain may be, in every article of them so beneficial to us, as to be fit to be again confirmed and renewed.

2. "Because, as we think it extremely difficult to examine with requisite nicety, how advantageous every treaty and convention between Great Britain and Spain may be to us, so we think it absurd to pretend to judge of any future agreement; and therefore we think it very extraordinary, and apprehend it may be of very ill consequence to be bound, as we are by this Treaty, to ratify and guarantee whatever agreement shall be made between the king of Spain and the dukes of Tuscany and Parma, concerning the garrisons once established in their countries.

3. "Because the obligations on our merchants to make proof of the justice of their demands, for their losses at the court of Spain, is, in our opinion a hardship upon them, and not honourable for the nation; and we are persuaded those unfortunate gentlemen will undertake so troublesome and expensive a journey with the less chearfulness, because they may fear their claims are likely to be counterbalanced by others from the Spaniards; and after all they have only the slender comfort of hoping, if they think there is any room for them to hope, to get that redress by commissaries, which they have not hitherto been able to obtain by plenipotentiaries.

4. "Because we are obliged to assist in effectuating the introduction of 6,000 Spanish troops into the towns of Tuscany and Parma, without specifying the methods we are to take, or charge we are to be at in giving that assistance; so that, for ought we know, we may be liable to an endless trouble and unlimited expence to compass what, if effected, cannot, in our opinion, be of any advantage to us, but, as we fear, may prove most prejudicial and destructive.

5. "Because we oblige ourselves to guarantee for ever, not only to don Carlos, but even to all his successors, the right to, and possession of the estates of Tuscany and Parma; which we think is a stipulation of so extensive a nature, that we can hardly see we are ever like to be exempted from the disputes and quarrels it may too probably draw upon us.

6. "Because this Treaty differs from the Quadruple Alliance, upon which it is pretended to be chiefly founded, in some points that seemed to be thought essential by ourselves, as well as by the kings of France and Spain, as far as we can judge by the stipulations of former alliances, particularly in that of introducing Spanish troops instead of neutral into Tuscany and Parma, and by stipulating that those troops shall remain there till don Carlos and his successors are secure and exempt from all events; which, from the nature and extent of human foresight, we think, the warmest advocates for the Treaty must allow is in effect to say, they are to remain there for ever.

7. "Because the alterations in this Treaty, from that of the Quadruple Alliance, are made not only without the consent of the Emperor, but we fear he will interpret it, since he has not the compliment paid him of being invited into it, almost in defiance of him; and if this treatment of him should unhappily alienate his friendship from us, we think we should, as good Englishmen, have great reason to lament the loss of such an ancient, powerful and faithful ally.

8 "Because we apprehend that there is an artful omission, throughout the whole treaty, of any plain and express stipulation to secure to us our right to Gibraltar and Minorca; which, however willing we are to attribute it rather to the superior skill of the Spanish managers, than to any want of zeal for their country in our own, is an error that we fear will leave our possession of those important places too liable to future cavils; and we think the Spaniards could not, with the least plausible pretence of reason, have refused to ascertain our indubitable right to them, in as strong and explicit terms as we have declared ourselves guarantees of the right, possession, tranquility and quiet of the Italian dominions allotted to Don Carlos and his successors, since we have had the complaisance to admit the Spaniards to discuss their pretensions for the restitution of the ships

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taken in the year 1718, though their right to that compensation was as effectually secured to them, as it can be pretended ours is to Gibraltar and Minorca, by those general words that renew and confirm all former treaties.

9. "Because his Majesty himself, by his speech from the throne, seems not entirely free from apprehensions of new troubles being still likely to arise in Europe, even in resentment of the present engagements; and if he thought this peace had settled the public tranquillity upon a lasting foundation, we are confident his paternal goodness would have inclined him, by a farther reduction of troops, to have given more ease to his people, who have long groaned under the heavy burthen of taxes, almost insupportable, and of a large standing army, and have had all their grievances increased by a pernicious interruption of late of that flourishing commerce, without which they can neither be happy at home nor respected abroad.

10. "Because it appears to us, after the most mature consideration of all particulars, that we are much farther obliged than we were before, and than we think we ever ought to be, to meddle in disputes about territories at a great distance from us, and in which our national interest seems no way concerned; and since one of the principal contracting parties in that alliance upon which this is built, is not only left out of it, but, as we think, there is reason to believe extremely disobliged by it; and since it seems impossible to make the introduction of Spanish troops into Tuscany and Parma, even by the most prevailing application we can use, consistent with the dignity and quiet of those princes whose towns they are to garrison; we own ourselves, upon the whole, incapable of discerning either the equity or policy of this treaty, which we fear will not enable us either to recover what we have lost, or long to preserve quietly and undisturbed what we yet possess; and which, we fear, instead of extricating us out of those difficulties that we have of late been involved in, and which have been owing in a great measure, in our judgment, to the incapacity of those ministers, by whose counsels we have been entangled in a labyrinth of unnecessary, if not prejudicial treaties and engagements, will probably be the melancholy occasion of fresh disturbances, and bring upon us, already too much impoverished, the misery and confusion of a war, which if once kindled, we are convinced, it will be as difficult to know the end, as to determine the success of such a fatal event.—(*Signed*) Scarsdale, Beaufort, Gower, Bedford, Thanet, Anglesea, Coventry, Huntingdon, Bruce, Boyle, Bathurst, Foley, Bridgewater, Plymouth, Strafford, Northampton, Abingdon, Warrington, Montjoy, Aylesford, Middleton, Bristol, Willoughby de Broke, Oxford and Mortimer."

The Lords' Address of Thanks for, and Approbation of the Treaty of Seville.] January 29. The Lords voted the following Address of Thanks for the Treaty of Seville:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, humbly beg leave to return your Majesty our most hearty thanks for your most gracious condescension in laying the Treaty of Peace, Union, and Friendship, lately concluded at Seville, before this House.

"And we beg leave to declare to your Majesty, that the said Treaty doth, in our opinion, contain all necessary stipulations for maintaining and securing the honour, dignity, rights, and possessions of this crown; and that all due care is taken therein for the support of the trade of this kingdom, and for the repairing the losses suffered by the merchants."

The King's Answer.] His Majesty's Answer was as follows:

"My Lords;

"I am glad the Treaty which I have, in conjunction with my allies, concluded with Spain, is so entirely to your satisfaction. By a punctual execution of our mutual engagements we shall establish a firm and lasting friendship with that crown, which will be of great advantage to the trade and navigation of this kingdom."

Debate in the Commons on the Bill for prohibiting Loans to Foreign Powers.] Feb. 24. A Bill, 'To prevent any Persons, his Majesty's Subjects, or residing within this kingdom; to advance any sum of money to any Foreign Prince, State, or Potentate, without having obtained Licence from his Majesty, under his Privy Seal, or some greater authority,' was read a second time, in which, *inter alia*, was the following Clause, viz. 'That the king be 'empowered by Proclamation, which shall take 'place within a limited time, to prohibit all 'such Loans of money, jewels or bullion; and 'this Prohibition to continue a limited time, 'under limited forfeitures and penalties, unless 'dispensed with by the crown; that the Attorney General be empowered by English 'Bill in the Court of Exchequer, to compel 'the effectual discovery on oath of any such 'Loans, and that in default of an Answer to 'any such Bill, the court shall decree a limited 'sum against the defendant, refusing to answer. 'Provided that this Act do not extend to prohibit any Subscriptions to the Public Funds, 'or Trading Companies of foreign kingdoms.' Hereupon

Sir *Robert Walpole** stood up, and endea-

* "Although the Tories had hitherto joined the discontented Whigs in their attacks against the minister, yet their coalition had never been hearty and sincere. They formed a separate body; and as they did not amount to less than one hundred and ten members, they considered themselves, both from their superior numbers and weight as country gentlemen, entitled ra-

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voured to shew that such a bill was always right and necessary; that all possible care had been taken in drawing this bill to obviate every objection, to avoid every inconvenience; that as to any exception which gentlemen possibly might make to the frame of it as it now stands, he conceived they would properly come under consideration when the bill was committed; that any reasonable alterations might be regularly offered and agreed to in such a committee; and therefore he moved, "That the bill might be committed to a committee of the whole House, on the 4th of March." But this was opposed by

Mr. *Daniel Pulteney* who declared, That this being the second time of reading this bill, he thought it was proper to give his opinion: and that after having considered it fully, he neither approved it on the whole or in any part, for it would entirely prove ineffectual to all the purposes proposed; it could not possibly answer good ends, and it would certainly produce very bad ones; he thought it would be a restraint upon commerce, a restraint of a dangerous nature; he had heard all the merchants in general complain of its tendency, and he wished they might not feel it in a very grievous manner: That by denying this liberty to all the people of England, by restraining all loans or assistance of money to princes and powers abroad, we made Holland the market of Europe and the mart of money to the nations of the continent: That this was unjust and imprudent in us, when our subjects had money to trade with as well as their neighbours, when his Majesty's subjects might make an advantage even of his very enemies, were it not for this ill judged prohibition: That our neighbours the Dutch would rejoice at such a procedure; they would certainly make this most fortunate accident as beneficial as it could be to their people: That the contrary could not be expected, for not only the late wars of Europe evince that the greatest of dangers, the most formidable enemies, could not be so terrifying as to prevent them from lending their money to their private advantage; but that even in their ancient war with Spain, a war wherein they were treated not only as enemies but rebels, and had they been conquered, they must have been slaves to the victor, they must have submitted to popery and chains: yet their merchants assisted the Spaniards, even

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ther to give than receive an impulse from the other parts of the minority. They did not therefore chuse to pay that regular attendance in parliament, which a constant and uniform warfare required from all those who, however differing in many points, were united in that of distressing the minister. But in the session which opened in 1730, a regular and systematic plan was formed by Bolingbroke, and carried into execution by means of his address and activity. His connection with Pulteney, as the joint manager of the Craftsman, gave him an influence over the Whigs; and his intimacy with sir William Wyndham, secured to him the acquiescence of the Tories. He had persuaded the whole body, that notwithstanding the signature of the convention at Pardo, a peace with Spain still met with insuperable difficulties. That Philip had not relinquished his demand of Gibraltar; that the Spanish depredations would still continue to be committed with impunity: that the British commerce with Spain would either be suspended or annihilated. Measures were therefore concerted to call the ministers to account for their supineness and pusillanimity. The clamours thus excited, extremely popular in a nation jealous of its honour, and anxious to secure its commercial advantages, occasioned great discontents, as well amongst the friends as the enemies of the minister.

"Although the conclusion of the treaty of Seville, which was highly favourable to the commercial interests of England, and honorable to her national glory, disconcerted opposition, and overset the schemes of Bolingbroke in this particular, yet he was too able not to form another plan of attack. Having made a coalition between the discordant parties in the minority, and appointed a general muster in parliament, he still continued to animate the mass with fresh spirit. His labours were now turned to sow discord among the Hanoverian allies, to avail himself of a growing misunderstanding which had recently appeared between England and France, to encourage the emperor to persist in his refusal to admit Spanish garrisons into Parma and Tuscany, and thus to counteract the execution of the treaty of Seville. Under his auspices, and by his direction, the opposition brought forwards many questions calculated to harrass government, and to render themselves popular. The expectations formed by the disaffected were highly sanguine; and a notion prevailed both at home and abroad, that the fall of the minister was unavoidable. Their hopes of success were founded on the disunion in the cabinet; on the supposed aversion of the king to Walpole, and on the disgust of those Whigs who adhered to Townshend.

"The first trial of their strength was made on the question concerning the imperial loan. The Emperor, by the treaty of Seville, having been deprived of liberal remittances from Spain, attempted to borrow 400,000*l.* in London. A bill was accordingly presented to the commons for preventing loans to foreign powers, without licence from the King under his privy seal. Had the ministry permitted the loan, they would have been abundantly and deservedly reproached: advocates, however, against the prohibition were not wanting. The hardships of all restraints, the disadvantage to us and the advantage to the Dutch, were specious pretences. Walpole took an active share in combating the arguments of opposition, and the question was carried. A sufficient justification of the measure was, that the want of money compelled the court of Vienna to submit to terms of accommodation." Coxe's Walpole.

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in that most hazardous juncture, with money, with arms and ammunition; nor could we suppose they would scruple to furnish the emperor also with the very same assistance, whenever he asked it, as had always been practised since the first foundation of that wise republic. He added, That this bill was a general prohibition, extending to all princes, states, or potentates whatever: That thus we were wholly disabled to assist the best allies, the truest friends, and those who really well deserved our aid: That he was credibly informed, that the king of Portugal, to whom we could have no exception, very frequently borrowed money of our merchants residing within his dominions; and that it could not be denied him, without disobliging a prince on whose favour our commerce depends, nay, exposing it to his severest displeasure: That should a proclamation issue here, the British subjects who reside in Portugal, or more remote dominions, may contract for loans, though liable to penalties, of which they may be wholly unapprized: That he had therefore the most powerful motives to throw out the Bill, because it prevented the people of England from aiding their friends and allies; but what was more, it might involve many innocent persons in unavoidable guilt, and expose them to the heavy pains of unknown crimes. But his principal objection to this Bill was the power of licensing reserved thereby to the crown: That he believed it a power the King would apply to the welfare and advantage of the people, therefore he was not against it, as a power in the hands of the King: but he knew it would be influenced by an administration; that whenever these licences issued, it must be through the hands of the ministers; and whilst such a prohibition continued, he knew not but the licensing trade might become a new branch of their business, and a managing minister might make it, by tolerable husbandry, an article of 20, 30, or 40,000*l.* a year; and that therefore they might easily see it was not for the honour of the King, or the interest of his subjects, that any such Bill was contrived, but that it was wholly designed for creating of profitable jobs, and making a market of the merchants. That he opposed this bill, because it made the Court of Exchequer a Court of Inquisition: That it gave new, great, and extraordinary powers to the crown, already armed, in his opinion, with weighty and terrible authority: That whilst it restrained our merchants from assisting the princes and powers of Europe, it permitted our stock jobbers to trade in their funds without any interruption: That he knew for whose benefit, this complaisance was designed, but that jobbing abroad, in the stocks of foreign nations, was what we should least encourage, and what we ought most to prohibit; for we have suffered severely by that means already, and our ministry would never give us relief or assistance; and thus our people, when they trusted their money with our faithful allies the French, in the affair of the Mississipi, were ruined and betrayed by their edicts of state, and had nothing but paper for specie: That notwithstanding this most shameful treachery, this great injustice and violation of the laws of nations, the ministry never interposed with the least good office for their suffering fellow subjects, who have irrecoverably lost the money they unhappily advanced in those fatal, those faithless schemes.

Sir *Robert Walpole* replied, That he thought those objections more proper for the consideration of the House, in a Committee of the whole House, where every paragraph would be debated; where every member might reply as often as occasion required, and fully pursue the inquiry: That he did not desire this Bill for any advantage to himself, for any accession of extraordinary powers to the crown, or for any thing else, but the pressing occasion, the apparent necessity of this important conjuncture: That if this Bill was committed, he would heartily concur in every amendment that could be with reason proposed: That he would freely consent the Committee should make it a temporary law, should enact it for a short duration, and limit the continuance for a very small space of time: That the honourable member, who spoke last, had departed from the question before them; had opened a charge against France, and had brought in the old Mississippi affair, in debating a particular Bill on an argument about lending money: That he thought it a weak reasoning, that we should not do ourselves justice in this point, because that our neighbours had treated us ill in another; and because that the French had not yielded us all we could wish for, that therefore the Parliament should not in this case do all that they ought. He added, Why was not this matter laid open in the Committee on the State of the Nation, but that this was an objection indeed to the French, like all other complaints against France; it was raised on occasion of proper precautions to prevent a war with the emperor: That he was fully convinced, this Bill was a matter of great importance and necessity: That he had been so tender in this argument, that he had not even said what he was authorized to say; he had meant no aspersions or reflections on any gentlemen; he was willing that this and all other debates should be managed with decency and candour: But since that these things had thus passed, he was thereby provoked to declare, what he knew, what he had the King's leave to declare, and what would effectually silence the debate; that he was very much inclined to say it, he would say it, if the gentlemen required it; [Here several members called out for this affair] he would say it before he sat down: This Bill was not drawn or promoted from any other view than its great necessity, its being now absolutely expedient to the peace of Europe, and the general repose of mankind; for he could say it, he had the King's leave to declare it; viz. That there was at this time a subscription transacted for the service of the emperor, and money was raising for his use, no less than the sum of 400,000*l.*

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He added, That this Bill could not possibly be a restraint upon trade, or a grievance to the merchants in any one lawful point of commerce: That the view of this Bill having been to prohibit such loans and assistance to the emperor, who could not march his armies, or cloath his troops without supplies of money, it was not just or reasonable, he should have assistance from us; from that nation against which he was forming a war, and projecting future disturbances; could the emperor maintain the soldiers he had in his troops, and the numerous forces he quartered upon his own people; or could he bring them into the field, without treasure to pay the expence; and now when, by treaties with Spain, that prince was deprived of those subsidies and that assistance, which once made him dangerous to us; when thus he is happily cut off from all communications with those countries, from whence his treasure used to flow, shall the people of England assist him themselves with supplies? Shall they arm an enemy with strength, which his best ally denies? And the British merchants lend their money to a prince against the British nation? If this should be done in the time of hostilities, and after the commencement of a war, it would be high treason by law; for to aid, abet, or assist a foreign power at war with the King, is expressly declared in the statute of high treason: And shall the merchants be allowed to enable a prince to become our enemy, whom it is even high treason to aid when an enemy? shall it be allowed with impunity to aid the emperor to march his troops, and yet open rebellion to assist the emperor whilst those troops were marching? Must the quiet of the whole world be a victim to the avarice of men, who would make an inglorious advantage of their money? Must men be indulged in those dealings which bear such analogy even to high treason, only for the sake of self-interest? He added, It was compassion and humanity to ignorant unwary men, which led him to bring in this Bill; for in case of a war with the emperor, merchants might transact with his imperial majesty for loans before it broke out, and when their second payments became due, it would be within the statute should they make them good; so that such a proclamation would warn them of approaching dangers: It would give them due notice of a rupture, and prevent them incurring the unforeseen pains of capital crimes, by coveting such a premium and interest. He owned, That many difficulties had occurred to him, and the gentleman ordered to bring in this Bill: That he was sorry to be sensible, that it could not be so effectual as many might wish, and himself had most heartily desired; but was this an argument to a House of Commons against a Bill for such important ends, that because they could not do all that they would, therefore they must not do all that they could? if their power could not wholly prevent those practices, must they not exert the utmost of their power? if they had not an absolute redress for the evil, must they not find out all possible redress; and because they could not shut up all the avenues of assistance, therefore must they leave all open? He added, That it was no objection to the Bill before them, that any prince, state, or potentate, was equally intended with the emperor; for that the end of it was to prevent a war with that prince, and to name him in this case distinct from all others would amount to a full declaration of war; besides, one prince might borrow money for another, and elude the import of the law: That as to the king of Portugal, or any other prince in alliance with the crown of Great Britain, his Majesty would readily grant his allowance for loans to so good an ally: That however this law would not have an effect, but in case of apparent necessity; if the emperor gave his Majesty reason to oppose his intentions, it might produce a future proclamation, yet this was eventual, it might be, or it might not be: And if it ever should happen, no subjects of Britain, no merchants abroad could offend through ignorance of such a proclamation; for the Bill was drawn with a blank, to be filled with a proper limitation of time, before the law should take place, or the prohibition hold good; and the limitation might be very large and extensive, that merchants abroad might be duly informed of the terms which the law had enjoined. He said, That it was the proper policy of nations, the reasonable authority vested in the councils of a country, to use such precautions and lay such prohibitions, on an appearance of danger, although not discerned by the people: That the reason of this was, because they had early and secret intelligence not proper for the public view when immediately received, yet highly expedient to be observed: That as to the indulgence allowed to those persons who traded in the funds abroad, or trusted their money in foreign companies, it was reasonable and proper, because many persons thought those a good security for their fortunes: That many of the British merchants in other countries had no better employment for cash in their hands; and it would occasion great confusion to include those cases in this prohibition, neither indeed did they any ways relate to this case; for though money might be lent to the emperor by private persons, he would never have aids from the public companies abroad. He owned, that he was not so conversant in the laws as some gentlemen were, who could justly support this Bill in its provision for a proper discovery of evidence by precedents; he was a stranger to that; but he himself remembered the act to prevent the subjects of Great Britain from trading in the Ostend Company, and that there the same method of discovery was provided; and should not the public detect such a criminal commerce with a powerful and national enemy, when they were allowed it against a little interloping company? It was far from setting up a court of inquisition, it was far from laying hardships or severities on any man; but it was for the prevention of fraudulent dealings

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and concealed transactions; and it involved the party in no other penalty than one, which he could not incur but through conscious guilt, which he might easily avoid by purging himself of the crime; and that this penalty was still in the judgment of the House to be limited by their authority, having no other end than to be such a tax upon loans, as might make it unprofitable to advance them for the highest premiums or interest. He also observed, That the proclamation provided in the Bill, was the same as by law had been usual in the case of quarantine in the apprehensions of a pestilence, and as a prevention of any contagious distempers; he thought it a reasonable remedy on all such appearances of danger; it would not be made use of unless such grievances happened; and if they did happen, he thought they deserved a redress: He therefore insisted on committing this Bill, as highly expedient and necessary.

Mr. *Wortley Montague* said, That he had a point of Order to debate: that that honourable member had brought in the name of the King to influence their considerations contrary to a standing rule of the House: and that it was never allowed that the name of the King should ever be used upon any occasion to awe their proceedings, or to over-bear their debates: that if that honourable member had been properly careful of his Majesty's honour, he would not have mentioned his name at that rate; he would have informed them of the evidence they had, and regularly brought it before them in the present inquiry: that whatever that evidence might be, he supposed it must come from foreign ministers, and he thought the House ought to have it opened in a proper parliamentary way. He added, that his opinion was against the Bill, for he thought it restrained our commerce, and we might as well prohibit all commerce.

Sir *Robert Walpole* replied, That the manner of his declaration had been very much mistaken, in asserting that what he had said was unparliamentary, for he well knew and duly observed the Orders of the House: that he had not brought in the name of the King to influence gentlemen, or to over-bear the debates: that he had mentioned the positive assurances which were received, not as a Message from the King, but by his Majesty's leave; not by his command, but only by his permission; that the station he was in obliged him to ask that permission because that by his oath he was obliged to keep the King's counsel secret, and therefore he asked this allowance from his Majesty yesterday morning, apprehending the debate of this day would require him to mention it, and he had offered it to prove the importance of the Bill now before them.

Mr. *Gould* said, He was a merchant himself: that he could make it appear to the House, the emperor's agents had been in Change-alley; that he knew a particular Jew, who had been applied to for 30,000*l.* and others for very large sums, but refused to advance them, as fearing it would draw the displeasure of the government upon them: that he thought the Bill a good bill, and all reasonable licences might be obtained, whenever they might answer an innocent purpose; nay, he thought they ought to be granted when applied for without any charge to the merchants; which sir Robert Walpole agreed to. Hereupon

Mr. *Walter Plomer* said, That he would not oppose the design of this Bill; he would never oppose whatever might strengthen his Majesty's hands, he never did nor ever would appear in any such cause: but if this must be done, why was it to be effected by a proclamation? why were the ministry to be judges in this case? let the House determine the fitness of the affair, let them enact the prohibition, let them alone have the absolute direction, and then he had nothing to offer against such a Bill. To this

Mr. *Henry Pelham* replied, That that gentleman misunderstood them, if he imagined that he or the persons employed to prepare and bring in that Bill, intended to make any ministers judges where the House might much better decide; but it was a tenderness to the people, that made them provide a proclamation; they hoped this affair might even yet be adjusted without a prohibition; but if the House would not have it eventual, if they would have it immediately, he should not stand in opposition to any such demand.

Mr. *Barnard* declared himself against the Bill. He said, that he thought it a restraint upon commerce that could not be justified, and such restraints had ever been prejudicial to ourselves: that he remembered a Bill of this sort against Sweden, to prohibit all commerce with that kingdom, yet the consequence was, that we were forced to enable our merchants to carry it on in Dutch bottoms, which rendered the prohibition useless, as well as burdensome, before we took it off: that he thought if the Dutch could assist their enemies the Spaniards in a war, where rebellion was the quarrel, and the crown of Spain claimed all the people as its natural born subjects, they would surely lend money to the emperor when he applied for assistance. He added, That the argument used about merchants incurring high treason for their second payments was very absurd, for no men in the world would contract for loans on such terms, or make them good. He insisted, that they should name the emperor expressly, and not make a great prohibition to affect the whole world as if we were at war with all. He said, that however the practice might obtain of licensing loans to his majesty of Portugal, or to any of our good allies, that this would be of no service to our merchants, who would lose the advantage of lending their money, because other nations could furnish such loans with more readiness; and whilst ours were applying for permissions to the crown, the others would advance such assistances in the mean time, and supplant our people in all their money-dealings. He likewise declared against making

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the court of Exchequer a court of inquisition; he conceived it unknown to the laws; nay, odious to the constitution, that men should be obliged to accuse themselves, and thereby incur the worst of penalties; he knew not what precedents might be furnished; he believed that they could easily find precedents for any thing: but he thought the liberties of his country much more weighty with him than any precedents whatever; and he would never consent to a Bill, which he thought a violation of our fundamental laws, a breach of our dearest liberties, and a very terrible hardship on mankind. To this

Sir *Philip Yorke* (Attorney General) said, That himself and the gentlemen honoured by the House with their commands to bring in the Bill, had considered the Dutch and the English merchants as two different resorts, where the emperor might apply for assistance; that if one shop was shut up, he had one the less to make use of; and even the other, if our true and faithful ally, and governed by reason and right policy, not under extraordinary influence, might also be prevailed on to stop this assistance of money, and yield a private interest to the common cause of Europe; he thought they were very well justified in drawing this Bill, not only from reason and the fitness of things, but from the common law of the kingdom: that the King had a lawful prerogative to recal his subjects by proclamation from the service of foreign states, and should he not also have power to prohibit them from lending their money, which might be more useful and dangerous than even the service of their persons: that in Ireland the parliament had made it high treason, to enlist men for foreign service without licence obtained from the crown; and surely a restraint upon money, the sinews of war, was highly expedient any where; that this law was intended only as a temporary restraint, a present remedy applied to an approaching evil, and not to be established in perpetuity. He observed, that the clause for discovering evidence, by English Bill in the court of Exchequer, was the only method to make this law effectual; for such a transaction as lending of money in this manner, would always be done in a very concealed, a very clandestine way: that if they did not pass this clause, they might justly throw out the whole Bill, for there would be no evidence ever to support its design: that many such laws had provided such methods of discovery; that memorable law, among others, which punished the South Sea Directors, made it felony to refuse answering or to demur to a Bill for discovery of concealments; and yet if they did discover a concealment, the very answer was good in evidence against them, and the concealment was felony; but here was a limited sum, and no other penalty could be the consequence, attending conscious guilt upon such a Bill of discovery: that by the construction of a court of equity, such a Bill of discovery would have been allowed, if this clause had not been inserted: that the barons of the Exchequer had maintained the legality of suits, to discover frauds and misdemeanors relating to the revenue; nor could they deny that this was as just by parity of reasoning; though if the House should throw out this clause, it might make the Judges unwilling to supply it by such a construction; and therefore he hoped they would not throw it out. Hereupon

Sir *William Wyndham* said, That he hoped when this Bill was committed they would make it a reasonable Bill: That the hon. member, who spoke last, had mentioned a possible case, that the Dutch would shut up their shop to the Emperor; and such a bare possibility it was, that no man could think it a common probability: that in the late wars with France, we drew them into a bargain, and paid them a price to discontinue their trade with the French, which they did for one year only, but took our money for two or three more, and when required to follow the tenor of their contract, they declared they neither could nor would do any such thing: that therefore we could not imagine the Dutch would refuse to lend their money to the Emperor now, any more than to trade with the French in the Queen's war: that he looked on all these restraints upon liberty, as unjustifiable powers in the hands of a ministry: and that to argue from any suspension of the Habeas Corpus act, to the suspension of trade, was to argue from one evil to another: That he was also against the practice of an English Bill in the Exchequer, to discover evidence; that he had heard the South-Sea act mentioned, but though it was a law, and therefore to be tenderly used, he was no more convinced of the justice of that than he was of this: and that he found from some passages in this debate, that because we stood in fear of a war with the Emperor, therefore the nation must bear whatever the French should impose.

Mr. *Danvers* said, That this was a Bill of Terrors; and that though a temporal act, it would be an eternal yoke on them and their fellow subjects: that since the honourable member in the administration had opened secret intelligence, they should also know what he knew of this matter: that the Emperor had deposited jewels in Holland, as a security for the sum of 400,000*l.* and that he himself had money to lend, and he did not know any cause why he and other people might not make an advantageous bargain, as well as their neighbours the Dutch. To this

Mr. *Fane*, member for Taunton, replied, That indeed it was a Bill of Terrors, and he hoped it would prove so to all the King's enemies, the foes to the peace of Great Britain; but that the terror of our enemies would be the delight of our friends; and added, That that gentleman was misinformed, for the Emperor had no jewels to mortgage, but the revenues of his hereditary countries.

Then the question being put, it was carried without any division, that the said Bill be committed to a Committee of the whole House. It afterwards passed into a law.

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The Pension Bill brought into the House of Commons.] February 16. Mr. Sandys moved, "That leave be given to bring in a Bill, for making more effectual the laws in being, for disabling persons from being chosen Members of, or sitting and voting in, the House of Commons, who have any Pension, during pleasure, or for any number of years, or any offices, held in trust for them, from the crown."*

This motion was strongly supported by the whole strength of the opposition. The following Oath, to be taken by every member of the House, was held forth to be a wise and a virtuous expedient, for preserving the independency of parliament, viz.

'I do solemnly and sincerely swear, that I 'have not directly or indirectly, any pension 'during pleasure, or for any number of years, 'or any office, in part or in whole, from the 'crown, held for me, or for my benefit, by any 'person whatsoever; and I do solemnly and 'sincerely promise and swear, that I will not 'receive, accept or take, directly or indirectly, 'during the time of my being a member of this 'parliament, any pension, during pleasure, or 'for any number of years, or any other gratuity 'or reward whatsoever, or any office from the 'crown, to be held for me, or my benefit, in 'part, or in the whole thereof, by any person 'whatsoever, without signifying the same to this 'House, within fourteen days after I have re-'ceived or accepted the same, if the parliament 'be then sitting, or within fourteen days after 'the next meeting of parliament.'

The falsifying this oath, was by the enacting clause, to be deemed and punished as wilful and corrupt perjury; and the seats of all members, refusing to take it, were to be vacated as if they were actually dead: and 30*l.* penalty was enacted, for every day, a member should sit in the House, without taking the said oath; and be incapacitated for ever after, either from serving the crown, or sitting in parliament, or enjoying any place of profit or trust, under his Majesty, or his successors.

They, who opposed it, though they expressed as great a detestation as the others did of corruption, could not be persuaded, that the bill, should it pass into an act, could be effectual, for that purpose, without violating the first principles of the English constitution. "Supposing, said they, a member declaring, within fourteen days, that he has taken a pension or gratuity from the crown, or that he has a place held for him in trust, what, according to the tenor of the bill in question, is to be the consequence? None is expressed in the bill, and if the minister, as is alledged by the friends of the bill, has such an alarming influence over the House of Commons, as to render the bill necessary, they being the only judges, (for it comes before no other tribunal) of the conse-

* "The most popular and plausible measure proposed by opposition was, the Pension Bill, which was now first introduced, and which from this period, became a never-failing topic of antiministerial attack, and of ministerial defence. Sandys moved for leave to bring in a Bill to disable all persons from sitting in parliament, who had any pension, or any offices held in trust for them from the crown, directly or indirectly; and for the purpose of enforcing this exclusion, he proposed that every member, on *taking* his seat, should swear that he had not any pension, directly or indirectly, did not enjoy any gratuity or reward, or hold any office or place of trust; and that after having accepted the same, he would signify it to the House within 14 days. Walpole, who knew the unpopularity of the arguments which could be *urged* against the Bill, and appreciated the effect of those which would be brought in its favour, declined taking any active part against it, notwithstanding the express injunctions of the King, who called it a villainous bill, and the disgust of Townshend, who was unwilling that the odium of its rejection should be cast upon the House of Lords. He does not seem to have spoken in the debate, or to have exerted his *usual* influence; for while most of the questions supported or opposed by government, were *passed or* thrown out by a majority of more than two to one, the bill was only carried by 144 against 134. It was negatived by the House of Lords after a long debate, and a protest entered by 26 peers. A similar fate attended it the next session; and during his whole administration, sir Robert Walpole never made any strong opposition to it, but left it to be rejected by the upper house. It was now generally received opinion, and not without foundation, that the minister suffered the Pension Bill to pass the House of Commons, because he knew that it would be thrown out by the peers. Sandys therefore, in the subsequent session, brought forward a motion for appointing a Committee, to inquire whether any members had, directly or indirectly, any pensions, or any offices from the crown held in trust for them, in part, or in the whole. Walpole ventured to oppose it; he called it a motion for erecting the House into a court of inquisition, and urged, that it justified the treatment which the bill had met with in the upper house. He declared that the act, if passed, could not answer the end for which it was proposed, unless the House should assume to itself a power unknown to the constitution, namely, a power of compelling every member that was suspected, to accuse himself, not of any thing criminal, for it could not be criminal to take either place or pension from the crown, and in consequence of that construction, to dispossess half the counties and boroughs in England of their representatives. The arguments and influence of the minister prevailed, and the bill was thrown out, by 206 against 143. Yet such was the unpopularity of the rejection, that many members, suspected of having pensions or places held in trust, voted for it, lest their opposition might disoblige their constituents." Coxe's Walpole.

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quence of such a declaration, it will be easy for him to obtain a vote, for dispensing with the members holding whatever he has declared he enjoys under the crown. Thus it will be always in the power of a minister, not only to elude the purposes of the bill, but to defeat the very purposes of the acts now in force against bribery and corruption, and which this Pension Bill, as it is called, is intended to make more effectual."

But even supposing the Commons to be in good earnest to expel the member, who thus declares he holds a place or a pension, in defiance of this act, yet still, said the opposers of the bill, this would be both highly unconstitutional and indecent, because it implies a power to be lodged in one House of Parliament, to condemn the exercise of the just and unquestionable prerogative of the crown, in making a gift, which it has a power to make. This must be attended, said they, with most unconstitutional consquences, as the House of Commons would then take upon themselves to sit as an inquisition, upon the proceedings and prerogative of the crown; by which as in the last century, the crown itself may tumble from the head of the sovereign.

The pernicious consequences of the bill, added the enemies of it, did not even stop here. The member is obliged to swear, that he shall not directly, or indirectly accept of any pension, gratuity or reward, or any place, in trust, from the crown. Now, may not the severe construction of the word 'indirectly,' by a future captious House of Commons, make a member liable to the penalties of the bill, if the crown should think fit to extend its favours to the children, wife, or relations of a member. Though the bill seems to leave the House open to many great officers and place men, who are not disqualified by it, yet who can say, that the House may not, some time or another, apply the word indirectly to a member accepting a place or office, that does not disqualify him, according to the seeming purport and meaning of the bill. Add to this, that the exercise of any part of the prerogative, even the most salutary and necessary part of it, such as granting pardon for offences; the remitting fines and forfeitures, the receiving grants, patents, and the like, may, some time or other, be construed into an indirect influence. The crown has sufficient powers, which it can avow, and which are in no degree affected by the bill, to create as much influence in the House of Commons, as a minister may have occasion to employ; and unless all great offices and places, as well as pensions, become disqualifications, the purposes of the bill never can be answered.

Upon the whole, therefore, the question upon this bill had no regard nor relation to corruption; the opposers of it expressed themselves as willing, as the friends of it were, in going all lengths to punish corruption, but the objection was "that it was inconsistent with the laws and spirit of the English constitution, that the king and the peers should give their assent to a bill, which invested the Commons with powers, which, should they be, as in former times, misapplied, rendered them paramount to the other two branches of the legislature, and extended their judicial capacity to matters, of which they could not constitutionally take cognizance."

The Pension Bill passed by the Commons.] Those arguments against the form and manner of the bill, though unanswerable, were unregarded. The cry of corruption struck an awe into many, who were in their hearts against the bill, and many more fell in with the stream of popularity, and voted for it, because they thought it would be rejected by the House of Peers. This, it is more than probable, was the opinion of the minister himself, for though the bill was opposed by some of his friends, who had very little either to hope or to fear from popularity, yet, it is certain, he did not exert himself to have it thrown out; for the question was carried in favour of the bill, by a majority of 144 against 134; and Mr. Sandys, sir Edward Stanley, and Mr. Wyndham, were ordered to bring it in. After this it had an easy passage through the Commons.*

A Motion in the Lords for a List of Pensions passes in the Negative.] March 19. The House of Lords being moved, "That an humble Address be presented to his Majesty, that he will be graciously pleased to order to be laid before this House a List of all Pensions payable by the crown." And a question being stated thereupon, the previous question was put, whether that question shall be now put? It was resolved in the negative, contents 30, not-contents 33.

Protest thereon.] Dissentient'

1. "Because, we think this question ought to have been put and passed in the affirmative, since no instance could be given, that the List of Pensions was denied, when called for by either House of Parliament; and we cannot imagine there can ever be a more proper time to address the crown for that List to be laid before this House, than when they are to enter upon the consideration of a bill, which is calculated to prevent the members of the House of Commons, for the future, from sitting and voting under any undue influence.

2. "Because we conceive, the refusal of complying with this question will be misinterpreted without doors, whether the bill shall pass or be rejected; for in one case, it will give just reason to believe the List of Pensions was filled with members of the House of Commons: and though this House would concur to prevent the evil, they were tender of exposing the names of particular persons: in the other case it would raise a jealousy, that there were too many members of this House who

* Tindal.

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were upon that List; which aspersion ought, as we conceive, to have been obviated, by producing those Lists, and making them public, as in former times has been frequently done. ——*(Signed,)* Berkshire, Beaufort, Foley, Oxford and Mortimer, Abingdon, Coventry, Litchfield, Aylesford, Bathurst, Thanet, Strafford, Gower, Hereford."

Debate in the Lords, on the Pension Bill.] March 21. A Bill for making more effectual the laws in being for disabling persons from being chosen members of, or sitting or voting in the House of Commons, who have any pension during pleasure, or for any number of years, or any offices holden in trust for them, by obliging all persons hereafter to be chosen to serve for the Commons in parliament to take the oath* therein mentioned, was read a second time: And it being proposed to commit the Bill, it was resolved in the negative, by 86 against 31.

Protest on a Resolution against Committing the Pension Bill.]

"Dissentient'

1. "Because all objections against particular clauses or expressions in the Bill would have been regularly the subject of debate in a Committee, and might have been there removed, if it should have appeared necessary, by making such amendments to the Bill as the wisdom of the House should have thought proper.

2. "Because we conceive the general design of this Bill to be highly reasonable, and of the greatest importance to the constitution of parliaments; and are therefore extremely concerned it should not receive even the countenance of a commitment, when the House of Commons, who alone would have been immediately affected by it, had passed it, as we apprehend, with so much regard to their country, and so much honour to themselves.

3. "Because this Bill does, in effect, enact nothing new, since it only enforces the observation and prevents the evasions of former laws, which were judged necessary for the public good by so many parliaments, and which we do not apprehend that our experience since has given us reason to look upon as less necessary for the same purposes at this time. By one of

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* The following is a copy of the said Bill:

"That after the 24th of June 1730, no person who shall be elected a member, shall sit and vote in the House of Commons, during any debate there, after their Speaker is chosen, until he hath taken the oath following, and subscribed the same, viz.

'I A. B. do solemnly and sincerely swear, 'that I have not, directly or indirectly, any 'pension during pleasure, or for any number of 'years, or any office in part, or in the whole, 'from the crown, held for me, or for my benefit, by any person whatsoever, and I do so- 'lemnly and sincerely promise and swear that 'I will not receive, accept or take, directly or 'indirectly, during the time of my being a 'member of this parliament, any pension 'during pleasure, or for any number of years, 'or any other gratuity or reward whatsoever, 'or any office from the crown to be held for 'me, or for my benefit, in part, or in the whole 'thereof, by any person whatsoever, without 'signifying the same to this House within four- 'teen days after I have received or accepted 'the same, if the parliament be then sitting, 'or within fourteen days after the next meeting 'of the parliament. So help me God.'

"Which Oath shall be in this and every succeeding parliament, solemnly and publicly taken and subscribed by every member of the House of Commons, at the table in the middle of the said House, at the same time he takes the oath by law directed, whilst a full House of Commons is there duly sitting, with their Speaker in his chair: And if any member so taking the oath, and subscribing as before directed, shall, at the time of taking the said oath, have any pension during pleasure, or for any number of years, or any office from the crown, in part, or in the whole, held in trust for him, or his benefit; or shall, during his being a member, receive, or take any pension during pleasure: or for any number of years, or any other gratuity or reward whatsoever, or any office to be held for him or his benefit from the crown, without signifying the same to the House, as aforesaid, such member shall be, and is hereby adjudged and declared to be guilty of wilful and corrupt perjury, and being thereof convicted by due course of law, shall incur and suffer the pains and penalties, which, by the laws and statutes of this realm, are inflicted in cases of wilful and corrupt perjury; and shall from thenceforth be incapable of taking, holding, or enjoying any office whatsoever.

"If any member shall refuse or neglect to take and subscribe such oath, as before directed, the place for which such person was elected is hereby, without any other conviction or proceeding, declared void to all intents and purposes, as if such member was actually dead. In case any member shall presume to sit and vote in the House of Commons, after the Speaker is chosen, without taking the oath aforesaid, such member shall, over and above the penalties already inflicted, forfeit the sum of 30*l.* for each day he shall sit and vote, to be recovered, with full costs of suit, by him or them who shall sue for the same, and to be prosecuted by any action, suit, bill, or information, in any of his Majesty's courts of record at Westminster, wherein no essoign, protection, or wager of law, or more than one imparlance, shall be admitted or allowed; and shall from thenceforth be incapable of taking, holding, or enjoying any office or employment of profit or trust under his Majesty, his heirs or successors, or of sitting or voting in either House of Parliament."

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these laws no person, who has a pension from the crown during pleasure, can sit in the House of Commons; but the effect of this law was, or might have been evaded, in great measure, by grants of pensions for certain terms of years, whereof we presume that examples have not been wanting. To remedy or prevent this abuse, it was enacted by another law, that no person, who enjoys a pension from the crown for any number of years, shall sit in the House of Commons, under certain penalties therein mentioned; but the effect of this law likewise is, or may be entirely evaded several ways; it is, or may be evaded by giving occasional gratuities, or making annual presents, which will not be construed to fall under the denomination of pensions, and which are, however, in their nature, and must be in their effect, manifestly the same; it is, or may be evaded also by the difficulty of discovering and convicting those who presume to break it, since there is ground to believe, by what has happened lately in this House, as well as on some other occasions, that the Commons would find it difficult to obtain those accounts, which can alone shew what pensions are paid to particular persons. We observe farther, that by the laws now in force, all those who hold certain offices therein specified, as well as all those who hold any offices erected since that time, are made incapable of sitting in the House of Commons; and that whoever accepts of any office or employment under the crown cannot sit in that House till he has been re-elected: Now it appears to us, that all those good and laudable provisions may be rendered fruitless; that the House of Commons may be filled with persons, who are, by law, incapable of sitting there; that the electors may be deprived of that reasonable option which the law has given them, whether they will trust the same person to represent them, after he has accepted an employment, whom they elected to represent them when he had none; and all this may be effected by the single expedient of getting an office or employment to be held by some person, who is not a member of the House of Commons, in trust for one who is. We shall not determine on public fame or private suspicion, whether all or some of these abuses and evasions of so many acts of parliament have prevailed or not; but since it is evident, that they may be easily introduced under a corrupt administration, we must be of opinion, that a law which would prevent them as effectually as, we believe, the Bill sent up by the Commons would have done, could not have met with too great encouragement from this House, nor have been passed too soon.

4. "Because it appears to us, that the arguments used against this Bill, drawn from the necessity or expediency of preserving an influence to the crown by the power of rewarding, are either not at all to the present purpose, or else are applied to prove, that an influence guarded against by so many solemn acts of parliament, should be admitted by the connivance of parliament; and, we think, it would be much more for the honour of this House, if these arguments were of real weight, to be prevailed upon by them directly to repeal the laws above-mentioned, than by rejecting a Bill designed to render those laws effectual, to seem, as we apprehend, to approve all the evasions of them, which have been or can be invented and put in practice.

5. "Because we think, that although this Bill tends to restrain any illegal and dangerous influence over the House of Commons, yet it leaves such an influence entire to the crown, as will appear at least sufficient, when we consider that there are in the present House of Commons, hardly less than two hundred members who hold such offices and employments under the crown, as would have continued to be tenable by them, if this Bill had passed; and even the power of granting pensions for life to members of parliament openly would have still remained in the crown.

6. "Because, strictly speaking, all influence over either House of Parliament, except that which arises from a sense of those duties which we owe to our King and country, are improper, and the particular influences, which this Bill was intended to prevent, are not only improper, but may, and naturally must, in course of time, become extremely pernicious both to the crown and to the people; for, first, although this influence appears to be that of the crown, it may become virtually that of the minister, and be applied to deceive the prince as well as to oppress the people, if ever a corrupt minister should have the disposition of places and the distribution of pensions, gratuities and rewards; he may create such an influence as shall effectually deprive the prince of the great advantage of knowing the true sense of his people; and a House of Parliament being prevailed upon to approve such measures as the whole nation dislikes, he may be so confirmed in the pursuit of them, as, for the sake of an unworthy servant, to lose the affections of his people, whilst he imagines that he both deserves and possesses them. In the next place, if ever this improper influence should obtain a certain degree of strength, these terrible consequences must inevitably flow from it, that the worst proposals for the public will be the most likely to succeed, and that the weakest ministers will be the best supported; the reason whereof we take to be extremely plain, since this improper influence may be directed to any purpose whatsoever, and will always be most exerted where it is most wanted, that is, in the support of ill measures and weak ministers.

7. "Because we agree, that as national or other circumstances have exposed the crown to any new danger, the security of fidelity and allegiance given by the oaths of the subjects to the crown has been increased from time to time; and we therefore think, that, by a parity of reason, some greater security than was formerly enacted should be now given to the nation, by their

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representatives, for a faithful discharge of the trust reposed in them; because this trust, which is the same as it was in every other respect, is come to be much greater than it was; in respect to those heavy taxes which have been for many years past, and which, as we fear, must be for all succeeding times annually laid by parliament on the people, as well as to those immense debts which have been contracted, and which we apprehend to have annually increased upon the nation: The service of the House of Commons was formerly a real service, therefore often declined and always paid for by the people; it is now no longer paid for by the people, and so far from being declined, that it has been courted and sought after at great expence. How far these considerations, together with that of the vast increase of the Civil List revenue, and of the debts contracted on it in the former reigns, deserve to enforce the reasons for exacting some new and stronger engagements, from the members of the House of Commons to those whom they are chosen to represent, is, we think, sufficiently obvious.

8. "Although it must be allowed, that the multiplying of oaths, without great and evident reasons, ought to be avoided, yet an oath being the most solemn engagement which men can be laid under, we judge it, on that very account, the more proper to be imposed upon this important occasion; nor will the probability of its being broke through by the iniquity of mankind, be an argument of greater force against this bill, than against any other law made for preventing any other crime whatsoever.——*(Signed)* Huntingdon, Bruce, Plymouth, Montjoy, Northampton, Strafford, Hereford, Craven, Oxford and Mortimer, Ker, Sunderland, Berkshire, Aylesford, Litchfield, Maynard, Foley, Coventry, Masham, Bristol, Bathurst, Beaufort, Warrington, Gower, Abingdon, Boyle, Thanet."

The Pension Bill rejected by the Lords.] Then the question was put, whether the said Bill shall be rejected? It was resolved in the affirmative.

Protest thereon.] "Dissentient',

1. "Because the evident intention of this Bill, was only to make a further advance towards gaining that good end, which the legislature hitherto has, we fear, too weakly endeavoured to compass, the prevention of corruption; which, it must be owned, is an evil of so mischievous a nature, so apt to spread and grow epidemical, that a wise and virtuous people will apply the most timely and effectual remedies that can be devised for the cure of it, since a nation once infected must soon get the better of so contagious a distemper, or it will soon get the better of the nation.

2. "Because we can hardly frame in our minds a more reasonable method, than the sanction of such an oath of purgation as was to have been taken by all the members of the House of Commons, if this bill had passed into a law, to preserve that part of the legislature pure and free from that kind of bribery, which seems, from the nature of it, to be the most pernicious, a secret unavowed pension; or what (however different in name) would, we fear, be too much the same in effect, an office in trust, or a clandestine gratuity.

3. "Because the act of Parliament which passed last year, though it contains some excellent provisions against bribery and corruption, and ought, in our opinion, ever to be held sacred, inviolable, and a fundamental part of our yet free constitution, wanted still something, as we judge, to make it more complete, for establishing an oath for the elected as well as the electors; which being done by this bill, we cannot but look upon it to have been a seasonable and necessary addition to those laws already enacted for the same purpose, in order to guard us more strongly against the powerful and malignant influence of wicked, aspiring, and despotic ministers, who can invent no artifices so likely to subvert the liberties of the people, as by corrupting those who are chosen to defend them.

4. "Because, we apprehend, the House of Commons may think themselves unkindly treated by us, for rejecting a bill sent from them of great consequence, by which they designed only to secure their own honour and the nation's liberties, and that concerned only their own members, without allowing it even the usual forms of commitment; and the rest of our fellow subjects will, we fear, hardly be charitable enough to think that one House of Parliament could be perfectly unbiassed, when it refused so proper an expedient to make, in a great measure, the other so.——*(Signed)* Plymouth, Beaufort, Montjoy, Warrington, Berkshire, Strafford, Aylesford, Bruce, Litchfield, Ker, Sunderland, Bristol, Gower, Bathurst, Boyle, Hereford, Oxford and Mortimer, Masham, Maynard, Coventry, Foley, Thanet, Craven, Huntingdon, Abingdon, Northampton."

The Commons' Address to the King respecting the Harbour of Dunkirk.] Feb. 11. The Commons resolved, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions, that the orders, instructions, reports and all proceedings had in regard to the Port and Harbour of Dunkirk, since the demolition thereof, be laid before this House."*—On the following day, his Majesty agreed to this Address.

* "The opposition had been long impressed with a notion, that the minister was in a secret compact with the court of France, to suffer that king to repair the harbour of Dunkirk. They knew, that nothing would more exasperate the nation, than the suffering that harbour to be repaired, if it could be proved, and that the suspicion of conniving at it would fall upon the English ministry. An Address, therefore, was

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Feb. 27. The Commons resolved, "That an humble Address be presented to his Majesty, to return him the Thanks of this House, for his Majesty's early care and attention for the interest of this nation, in causing proper application to be made to the court of France, not only for putting a stop to the Works carrying on, but for demolishing such as had been made by the inhabitants at Dunkirk, for repairing the port and channel there; and to express our satisfaction in the good effects, which his Majesty's instances have had, by obtaining express orders from the most Christian king, for causing to be destroyed all the Works that may have been erected at Dunkirk, contrary to the Treaties of Utrecht and the Hague, and our reliance upon their being faithfully executed; and further to declare our satisfaction in the firm union and mutual fidelity which so happily subsist, and are so strictly preserved, between the two crowns."

The King's Answer.] His Majesty returned this Answer:

"Gentlemen.

"I thank you for this Address, which is very pleasing and acceptable to me; and I make no doubt, but the most Christian king will, pursuant to the mutual fidelity which subsists between the two crowns, cause the Orders to be effectually executed, which he has given at my instances, for demolishing the Works that have been made by the inhabitants of Dunkirk, contrary to the Treaties of Utrecht and the Hague."*

voted, 'That the King should direct that the 'orders, instructions, reports and all proceed-'ings had in regard to the port and harbour of 'Dunkirk,' since the demolition of Dunkirk, should be laid before the House. This absurd motion was made upon the information and at the instigation of lord Bolingbroke, an inveterate enemy to the minister, who pretended that he could bring evidence of the flourishing state of the fortifications of the harbour of Dunkirk. But having trusted the management of the affair to a person, who had served him in the capacity of a secretary, without any abilities but those of the bacchanalian kind, this important discovery came to nothing; and the motion, so far from being detrimental to the minister, produced a resolution in his favour." Tindal.

* "March 2, 1730. The opposition proceeded on Thursday last with vigorous attacks on the affair of Dunkirk. Sir William Wyndham proposed, after the examination of witnesses, and reading papers was over, that what had been done relating to the harbour there was 'a manifest violation of the treaties be-'tween the two crowns.' But the other side having, before he was seconded, got upon the paper the motion for an Address; the debate began at about five in the afternoon, lasting very earnest and strenuous till past two in the morning, and had such a turn, that the Whig-party was animated to the last degree, which was chiefly occasioned by sir Robert Walpole having very artfully and vigorously fell on the late lord Bolingbroke, sir W. Wyndham took his part, and justified his old friend, making a comparison between Bolingbroke and sir Robert, as if the first was every way as honest a man as the latter, which was answered with as much zeal, fire, and good sense by Mr. H. Pelham, as ever I heard in my life, and created an universal spirit, flame, and resentment against Bolingbroke in the whole House; so that upon the division, the Whigs were 270 against 149. In my opinion, it was the greatest day with respect to the thing itself, and the consequences of it both at home and abroad, for his Majesty, and the present ministry, that I ever knew; and must, I think, prove a thunderbolt to the adversaries here, as well as to their friends on your side the water."—Horace Walpole to Lord Harrington: Coxe's Walpole.

A Petition against the Renewal of the East India Company's Charter rejected.] February 26. A Petition, and Proposal, of several Merchants, Traders, and other persons, in behalf of themselves, and others, the subjects of Great Britain, was presented to the House, and read; "Offering to advance 3,200,000*l.* to redeem the fund, and trade, of the present East India Company * (the Petitioners conceiving both to be

* "Another object of great national interest brought forward by opposition, was to prevent the renewal of the Charter of the East India Company, which was near its expiration, and to form another incorporated society without the exclusive privileges, which should grant licences, upon certain conditions, to all persons inclined to trade to the East Indies. The leading men in the minority, foreseeing that the Company would apply to the legislature for the renewal of their Charter, had secretly prevailed on many respectable merchants in the city to engage in the scheme. It had a popular tendency, from the general aversion which is always entertained against Monopolies and exclusive privileges, by those who derive no immediate share from the emoluments; and was still farther recommended by the plausible pretence of easing the public burthens, by obtaining a large sum of money from the new incorporated society.

"Having obtained information of their views, the minister laboured to counteract them. He was convinced that the trade could only be carried on by an exclusive Company. The persons who were to form the new society were wholly unacquainted with the secrets of the business, and unless the company could be induced to communicate information, and to part with its forts and settlements in the country, the trade might be reduced or annihilated. Having concerted his plan with a few of the directors, in whom he placed implicit confidence, and aware that the chief hopes of suc-

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redeemable) the said Money to be advanced at five several payments on or before the 25th of March, 1733, at an interest of 4 per cent. from the times of payment, till the 25th of March, 1735, and two per cent. afterwards; provided, the Lenders may be incorporated, and vested with the whole trade to the East Indies, and elsewhere, in the same extensive degree, as is granted to the present Company; yet so, as not to trade with their joint stock, or in a corporate capacity, but the Trade to be open to all his Majesty's subjects, upon licence from such proposed new Company, to be granted to all his Majesty's subjects desiring the same, on proper terms and conditions; and provided the trade be exercised to and from the port of London only; and to be subject to redemption at any time, upon three years notice, after a term of 31 years, and repayment of the principal: and praying, that the premises may be taken into consideration, and such determination made thereupon, as to this House may seem meet."

And the House being moved, That the following acts of Parliament relating to the East India Company, might be read, viz. 9° et 10° Willielmi S, c. 44. s. 56. 61. 79. 81. 6° Annæ, cap. 17. 10° Annæ, cap. 28. The said Acts were read accordingly. And the question being put, That the said Petition be rejected, it was carried by a Majority of 223 against 138.

Bill for better regulating of Juries.] March 12. A Bill was brought into the House of Commons, for better regulating of Juries; which passed the several stages without opposition;* and was agreed to by the Lords.

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cess conceived by opposition, were founded on the popular ground of obtaining sums of money for the use of the public, be anticipated their views, by insinuating to the House, that a part of his Ways and Means would be derived from the East India Company. This unexpected turn surprised the minority, and wholly disconcerted their plan before it was brought to maturity. They had however proceeded so far in opening private subscriptions, and making engagements, that they could not recede. A Petition was therefore presented to the House, but after a long debate, it was rejected by a majority of 223 against 138.

"The opposition, however, were not intimidated by the rejection of this proposal. They had been taken unawares, and compelled, by the address of the minister, to bring it forward before it had been fully digested. They resolved therefore to introduce the business again, and employed the intervening time in publishing anonymous letters, essays in periodical papers, and pamphlets, against exclusive companies in general, and particularly against the East India Company. All the arguments which had ever been advanced against Monopolies in this and other mercantile companies, were retailed on this occasion, and all the benefits which were supposed to result from a free trade, were magnified with great art and subtilty. The ministers and the East India Company were not on their part silent; they likewise defended with no less skill, the advantages of an united Company, vested with exclusive privileges, and bound by peculiar regulations, under the controul of the legislature. The petition was again presented to the House of Commons, on the 9th of April, and rejected without a division. While it was depending, the minister brought in his Bill, which prolonged the Charter to 1766, on the condition of paying 200,000*l.* towards the supply of the year, and of reducing the interest of the money advanced to the public, from 160,000*l.* to 120,000*l.* or one per cent. by which bargain, the nation was benefited to the amount of at least a million." Coxe's Walpole.

* "This session, a most excellent act past for the better regulation of juries. Before this time, it was a reproach to the English law, that no provision was made to oblige men of substance effectually to serve as jurymen; for which reason it was very common for men of property to shift that office off from themselves upon indigent people; which opened an easy way for corruption in the most capital cases. There having been many great and notorious corruptions in the trials and causes in courts of justice, for want of proper persons to serve upon juries; arising sometimes from the neglect of persons of good substance and credit, who shifting off from themselves the trouble of attending at those courts to serve as jurymen, made it necessary often to make use of indigent men for that service, who were easy to be drawn in to serve an ill cause; and sometimes from the practice of knavish lawyers, who would often find means to pack a jury by concert, with those who were concerned in returning persons for that service: the parliament made this act to remedy those inconveniencies, as well as some others of less consequence, that attended the ancient manner of summoning and returning juries. By this act, the petty constables are required to make up true lists of the persons qualified to serve on juries within their parishes or precincts; and that no man may be inserted therein who is not qualified, those lists are to be fixed on the church door, two or more Sundays, twenty days before Michaelmas every year; so that all persons knowing who are to serve for that year within their neighbourhood, may make any objections they think proper. To prevent needy persons from serving upon these occasions, the qualification necessary for a juryman is, to be a freeholder or a copyholder, of at least 10*l.* per ann. in England, and 6*l.* in Wales, or a leaseholder for life, of the yearly value of 20*l.* These lists being transmitted to the sheriff, he is restrained to return no others upon juries but whose names are found there; and lest the under sheriffs, or the like officers, should endeavour to make money by summoning persons to serve on juries, oftener than is reasonable, in hopes of receiving a fee to excuse them; it is

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THIRD REPORT OF THE SELECT COMMITTEE ON THE STATE OF THE GAOLS OF THIS KINGDOM.] May 11th. Mr. Oglethorpe, from the Committee, appointed to enquire into the State of the Gaols of this kingdom, made a Report (according to order), of the Progress the Committee had made in their Enquiry into the State of the King's Bench prison, with the Resolutions of the Committee thereupon: and he read the Report in his place, and afterwards delivered the same in at the clerk's table, together with an Appendix to it, as follows:

THIRD REPORT OF THE SELECT COMMITTEE APPOINTED TO ENQUIRE INTO THE STATE OF THE GAOLS OF THIS KINGDOM.

The said Committee, having entered into an Examination of the State of the King's Bench Prison, have thought it proper to lay their Proceedings before the House; viz.

It appeared to the Committee, that the prison of the King's-bench doth belong to the Court of the King's-bench, and the keeper of the said prison is stiled Marshal of the Marshalsea of our Sovereign Lord the King before himself being; which office of Marshal formerly belonged to the earl Marshal of England, as appears by an inquisition, taken in the 11th year of Henry the 6th, on the death of John Mowbray, duke of Norfolk; which sets forth, that it had been separated from the office of earl Marshal, but in the 20th year of Richard the 2nd, by letters patent, confirmed by parliament, was re-united to the office of earl Marshal, and granted to Thomas Mowbray, then earl of Nottingham, afterwards duke of Norfolk, and the heirs male of his body, to be held *in capite;* and that the yearly value of the office of Marshal of the King's-bench was ten marks.

That the heirs male of the said duke failed, and the office devolved to the crown.

That William Lenthall, esq. mortgaged certain manors and lands, for 7,000*l.*, to sir John Cutler knight; and, for the further securing of the said 7,000*l.*, and the additional sum of 3,000*l.*, he, by indenture, bearing date the 24th day of February, 1684, mortgaged the office of the Marshal of the King's-bench prison to the said sir John Cutler, by a bare covenant, to stand seized of the said office, subject to the payment of the said 10,000*l.* pounds and interest.—(Appendix, A.)

Whether the said William Lenthall, esq. had any, or what, title to the said office, and under what limitation it was granted from the crown, doth not appear to this Committee.

That the frequent Escapes of Prisoners from the King's-bench and the Fleet, occasioned an Act to be passed 8 and 9 Gulielmi Tertii, intituled, 'An Act for the more effectual relief of 'creditors, in cases of escapes, and for prevent-'ing abuses in prisons, and pretended privi-'leged places: In which act it is recited, That 'divers great sums of money, and other re-'wards, were received by the Marshal, of the 'King's Bench, and Warden of the Fleet, to 'assist, or permit, prisoners to escape, for pre-'venting which, it is enacted, that if any Mar-'shal, or Warden, of the said prisons, or their 'respective deputy or deputies, whatsoever, shall 'take any sum of money, reward, or gratuity, 'whasoever, or security for the same, to procure, 'assist, connive at, or permit, any such escape, 'and shall be thereof lawfully convicted, the said 'Marshal, or Warden, or their respective deputy 'or deputies shall for every such offence forfeit '500*l.* and his said office, and be for ever after 'incapable of executing such office.'

That by a subsequent Clause it is in the said Act provided, 'That nothing in the said Act 'contained shall extend to prejudice, impeach, 'or lessen any security or securities for any 'sum or sums of money, made or given, by or 'out of the said office of Marshal of the Mar-'shalsea of the Court of King's Bench, or the 'profits thereof, by Wm. Lenthall, esq. to sir 'John Cutler, baronet, deceased, or to Ed-'mund Boulter, esq. executor of the said sir 'John Cutler, or to any other person or per-'sons in trust for them, or either of them, or to 'subject the said office, or the profits thereof, 'or the person or persons in whom the same 'are or shall be vested, to any of the forfeitures 'or penalties in the said Act contained, other 'than such as they are or may be liable unto 'before the making of the said Act, until such 'sum or sums, secured thereby, shall be fully

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ordered that no person be obliged to serve oftener than once in two years, except in the small county of Rutland. When the assize is held, the name of each person summoned and impanneled, is to be written, with his addition and place of abode, in distinct pieces of parchment or paper, rolled up in the same manner as like each other as may be; which names are to be put into a box or glass; and when a cause is brought to be tried, some indifferent person in open court, is to take out twelve of these parchments or papers one after another; and if any of these persons drawn do not appear, or is challenged or set aside, then a further number, till twelve be drawn, who shall appear, and shall be the jury to try the cause. After which, those names are to be mixed again with the other, and a new jury is to be appointed for the next cause in the same manner. From this institution, two benefits arise; for it becomes impossible to pack or corrupt a jury; because no man knows who will try the cause, till the moment the jurymen are sworn; and the freeholders, &c. will be obliged to attendance, because none can tell whether his name will not be amongst those that are drawn out: in which case, if the person does not appear, after three times calling, he is liable to a fine between 40*s.* and 5*l.* at the discretion of the judge."—Tindal.

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'satisfied and paid; any thing in the said Act 'contained to the contrary thereof notwith-'standing.'

That this Exemption is only from the Penalties imposed by the said Act, and not from any Forfeitures or Penalties, to which the said office was otherwise liable.

And the heirs of Lenthall are not allowed to nominate a Marshal, without the consent of the mortgagees, as appears by the following Clause, viz. 'That all and every deputation or 'deputations, grant or grants, at any time here-'tofore made, or executed by Wm. Lenthall, 'esq. of the said office of Marshal of the Mar-'shalsea of the said Court of King's Bench, is 'and are hereby declared void, and of none 'effect; and that all and every succeeding 'Marshal shall from time to time, and at all 'times hereafter, be constituted and appointed 'by the said William Lenthall, his heirs and as-'signs, by and with the consent, in writing, 'under the hand and seal of Edmund Boulter, 'esq. his executors, administrators and assigns, 'until the debt, owing by the said William 'Lenthall to the said Edmund Boulter, execu-'tor of sir John Cutler, baronet, deceased, be 'satisfied.'

That in July, 1708, the manors and lands which were mortgaged with the said office for securing the said 10,000*l.* were sold for the sum of 8,700*l.*; 7,600*l.* whereof was paid towards the discharging the principal and interest of the said mortgage.

That in the year 1718 Charles Bodvile, earl of Radnor, claiming under the said sir John Cutler, and his said executor, Edmund Boulter, did by indenture, bearing date the 20th day of September, 1718, assign to Joseph Studley, his executors, administrators, and assigns, in consideration of a competent sum, all his right and title to the money, secured upon the said office, which in the said deed he mentions to amount to 19,284*l.* 2*s.* 4*d.* which is said to have arisen to that sum by the adding of interest, repairs, and other charges.

That, on examination of witnesses, it appeared, that the said competent sum was 10,500*l.* which was all the money that was paid by the said Studley to the said earl. [B.]

That the said Studley purchased these securities in trust for other persons, and divided them into shares; which, being sold at various prices, by divers mesne assignments and transfers came into the hands of the present Mortgagees; viz.

	Twentieth Parts.
Mr. John Preston - - - - -	4
Mr. Thomas and John Martin, in trust, &c. - - - - - - -	4
Mr. Studley - - - - - -	1
Mr. Thomas Martin, in his own right - - - - - - - -	7
Mr. John Martin, in his own right	4

That the said Mortgagees have received the rents and profits of the said office, and the profits arising from the sale and alienation of the offices in the disposition of the Marshal, whereby they have received a much greater sum, than the interest of the said 10,500*l.* to this time amounts to. [C.]

That Lenthall's claim to the freehold of the said office hath been conveyed to, and kept in, Trustees; and these Trustees have, generally, been men of mean circumstances, and nominated at the request of the Mortgagees. [D. 1.]

The present Trustees are James Slann, a footman to one of the Mortgagees, and John Wildey, a scrivener; which said Trustees, in pursuance of a verbal order of four of the Mortgagees, did, by lease, dated the 14th day of January, 1729, let to Richard Mullens, esq. the office of Marshal and Keeper of the prisoners in the King's Bench prison, for three years; which prisoners (as appears by the Commitment Books) are in number 657, and are charged with 126,434*l.* 12*s.*; besides great numbers, who are charged, without specification of the sums, they being charged on surrenders to actions, the number of which actions amount to 398, and the sums due may, probably, be very great. [D. 2.]

The Committee do not find, that any security (except their own personal security) hath been taken, or required, from any Marshal of the King's Bench, for the safe keeping of the prisoners, either by the Trustees, or by any other; and the Marshals, as well as the Trustees, have, generally, been men of very mean circumstances; and the Mortgagees having thus screened themselves behind Trustees, nominated at their own request, deem themselves not answerable for escapes; so the creditor hath no person, of any substance, to have recourse to, in case of an escape; the consequence of which (amongst many other examples) appeared very evidently in the case of Mr. Poulter: [E.] He was indebted to Mr. William Wilson in the sum of 18,000*l.* for which he was charged in execution in the King's Bench prison, and chose rather to make the Marshal a large present, than to pay his own debts. Mr. Machen who was then Marshal, accepted of the money; Poulter went to Holland; and Wilson sued, and recovered judgment against Machen the Marshal; who (being an insolvent, remained a prisoner in his own gaol; and Wilson applied to the court of King's Bench that the profits of the office might be sequestered for his debt; but the Mortgagees made such a claim, as to protect them; so that Wilson, having a right, but no remedy, and being by this slight of law intirely ruined, shot himself in despair.

The office of Marshal of the said prison was let to the said Richard Mullens by a Trustee, by the consent and direction of the Mortgagees, in January, 1724, for the annual rent of 700*l.*; he being, over and above, obliged to pay the annual sum of 23*l.* 10*s.* as a fee farm rent, and also an annual sum of 30*l.* to the Chamberlain, nominated by the Mortgagees; the whole amounting to 750*l.* per annum.

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His lease was renewed in January last; and by indenture, bearing date the 14th day of the said month, he covenants with James Slann and John Wildey, to pay them 700*l.* per ann. clear of all taxes; besides which, to pay the fee farm rent, &c. although all the open and legal profits, of which the said Mullens could give any account to the Committee, amounted to about 350*l.* per annum, and no more.

The high rents of the said office cannot be made up, without great oppression; much less can the other fees, with which it is loaded, be complied with; insomuch that the Marshals generally continue but a short time in that office, there having been 15 from the year 1668 to the year 1724; and sometimes, on a prisoner's being committed for a considerable sum, the Marshal accepts of money to grant him the Rules, and suffers him to escape; [F.] and, if the plaintiff recovers against the Marshal, he turns himself a prisoner into his own gaol, which is accompanied with a kind of gaol delivery: The insolvent Marshal, being in this condition, generally refuses to give his successors any account of the prisoners, to whom he gave the Liberty of the Rules, and by this proceeding the new Marshal does not apprehend himself to be charged or chargeable with them.

On this occasion a rule of court is sometimes granted, for the new Marshal to take all the prisoners in the rules, and persons, who have escaped; but the Marshal does not think himself obliged to re-take them, and it gives the new Marshal a pretence to squeeze great sums of money out of such prisoners, as enjoy the rules. [G.]

Over and above the aforementioned exorbitant rents, on a new Marshal's being sworn, it hath been usual for him to pay 100 guineas to the Lord Chief Justice of the King's Bench, and 50 guineas to each of the Puisne Judges of that court. The present Marshal, when he was sworn Marshal (in pursuance of a lease, granted to him in 1724) gave a purse of 100 guineas into the hands of sir John Prat, knight, then Lord Chief Justice of the King's Bench, and one other purse, containing 50 guineas, to Mr. Justice Fortescue, and the like sum to Mr. Justice Powis; and he offered the like sum to sir Robert Raymond, knight, then one of the Puisne Judges of that court, who refused the same, saying, he did not know any such fee was due, and that, if it was not a legal fee, he would not take it; but that he would inform himself of the Lord Chief Justice, and the other Judges: and some days after he accepted the said sum, having seen the Lord Chief Justice, and the other Judges of the said Court. [Vide D. 2.]

The said Richard Mullens was again sworn into the said office on the 25th day of January, 1729, his former lease being then expired, and a new one obtained; on which occasion sir Robert Raymond, knight, Lord Chief Justice of the King's Bench, and the other Judges of the said Bench, did not accept of any Fee whatsoever from the said Marshal.

Over and above these Fees or Presents, paid by the Marshals, on their being sworn into the said office, they used to pay, every Christmas, to the Lord Chief Justice of the King's Bench 20 guineas, and to each of the puisne Judges 10 guineas, until such time, as the present sir Robert Raymond came to be Lord Chief Justice: He then generously refused to accept of any such presents, and would never receive any gratification whatsoever from the said Marshal; and he was imitated in this by Mr. Justice Reynolds, who, though he accepted the 10 guineas, sent the same, by his Clerk, to be distributed amongst the prisoners of the said prison; and all the Judges of the said Court have now followed this example: at Christmas, 1729, they all refused to accept any presents from the said Marshal.

Not only the Marshals, but the deputy Marshals, usually made presents (on their admittance) to the Lord Chief Justice of the said Court: Mr. John Morris, who is now deputy Marshal, on his buying that office, besides the purchase money paid by him for the said office, made a present to the Lord Chief Justice Holt of 20 guineas, which, as far as he remembers, he gave to him with his own hands. [H.]

That, upon inspecting the said King's Bench Prison, it appears to be in very bad repair, and not capable of containing a third part of the number of prisoners, even now in the Marshal's custody, who amount to 657; which number is much less, than used to be in that custody, before the late acts of parliament against frivolous Arrests, and for relief of insolvent debtors: and it is remarkable, that not one person, discharged by the said late act (for relief of insolvent Debtors) hath been re-committed for any new Debt.

The common side of this prison is divided into little cabins, or lodges, the floors of many of which are six or eight feet below the level of the ground; the master's side is in a very bad condition; and the whole in no way adequate to the vast rent paid for it.

Many complaints were laid before the Committee, of cruelties committed by former Marshals of the said prison, particularly, of a murder of one Allen, a prisoner in the said prison, in the year 1723, when Machen was Marshal; and also complaints of exorbitant sums having been taken for the liberty of the rules.

But the requisite attendances on other services of the House have made it impracticable to go through the examinations of these complaints, before the conclusion of this session.

However, the Committee having examined all the prisoners on the common side, and many of those on the Master's side (who are mostly new prisoners, committed since the beginning of the late parliamentary enquiries into the State of the Gaols) it appeared by their examinations, that no violence or cruelty hath been used to them by the present Marshal, but, on the contrary, that he hath done many acts of compassion and charity towards those on the common side; by which, and by his free confes-

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sions, and satisfactory answers given to the Committee, upon his several examinations before them, he hath rather entitled himself to favour, than blame.

The said prisoners also declared, that they had heard of terrible oppressions formerly, none of which have happened of late, the ears of the present Lord Chief Justice of the court of King's-bench being always open to the complaints of the prisoners, and he having with great patience heard all their petitions.

Their chief Complaints, at present, are the great distress they are reduced to, the charities not being sufficient for maintenance of the poor prisoners; and that the being admitted on the common side, and thereby entitled to the benefit of the charities, which are confined to that side, is granted as a particular favour, and not as a general right; and that it is with great difficulty a poor wretch on the master's side, though never so miserable, can be admitted on the common side, to share in these Charities.

The Marshal is chiefly enabled to pay his rent, by permitting prisoners, on security, to live out of the prison, any where within the rules. [Vide E.] The straitness of the prison, and its incapacity to contain the numbers, thereto usually committed, occasioned the prisoner's application to the Court of King's-bench for more room; who took upon them to impower the Marshal to suffer his prisoners to live out of the walls of the prison, he being answerable for their forth-coming. The limits, within which such prisoners were allowed to be, were fixed by the Court of King's-bench; and that space of ground is called the Rules, and now deemed part of the prison. The Court of King's-bench hath taken on them to enlarge the said space; particularly, in the time, when sir John Prat, knight, was Lord Chief Justice, the Court then declared, that it was in their power to extend the rules in such manner, as they should think fit.

If this be law, all England may be made one extended prison.

The prisoners make large presents to the Marshal, for the Liberty of these Rules; and, being under his protection, and in his favour, may take houses, or lodgings, within the rules, and live in a very easy manner; whilst the poor honest debtor, who hath paid away all his substance, to satisfy his creditors, is a close prisoner within the prison: Thus the debtor, who will not pay his creditors, lives at ease; and he, who cannot pay, suffers.

The Prisoners, enjoying the liberty of the Rules, are, by the present usage of the Court of King's-bench, in some manner protected even in criminal cases; for, if they are guilty of the greatest crimes, or disorders, they cannot (by the opinion of that Court) be committed by any authority, but that of the Judges of the said Court of King's-bench; so that, if a murder, riot, or mutiny, should happen, whilst the said Judges are on the circuits, or otherwise absent, there is no power to commit to the county gaol any prisoner in the rules, who shall be concerned therein; for, should a Justice of the peace, on complaint made, commit a prisoner in the rules to the county gaol, he would, it seems (by a late opinion of the said Court) be deemed guilty of a rescue and escape, and be liable to the debts of the prisoner, whom he had so committed.

For it appears, that a complaint was made, in December, 1728, to Samuel Woodham, esq. one of his Majesty's justices of the peace for the county of Surry, against Humphry Heybord and Joseph Allen (two prisoners in the rules) for violently assaulting a woman, and other misdemeanours; and they not being able to find security for their appearance at the next quarter sessions for the said county, Mr. Woodham committed them to the said county gaol: On this, the Marshal moved the Court of King's Bench for an attachment against Mr. Woodham; and the matter being brought before the court, the court declared, that Mr. Woodham, in committing the said Heybord and Allen (prisoners in the custody of the Marshal) to the county gaol, upon any pretence whatsoever (notwithstanding the county gaol was within the rules of the prison of the King's Bench) was guilty of a rescue: after which, the Court interposed, and prevailed with the said Mullens (the Marshal) to make up the matter, on Mr. Woodham's paying 31*l.* costs, for committing two prisoners, who had broke the peace, and could not find security.

The high Rent, paid by the Marshal, occasions exorbitant fees, extortions, and many other inconveniencies.

The Marshal hath one shilling per night, for every prisoner, who lies in a spunging-house; which may be a great inducement to him to keep prisoners from coming into the prison.

The Prison Fees are exorbitant; and the Judges having met together, and proceeding to take the same into their consideration, in order to their making a reduction thereof, pursuant to the late act, a doubt arose, whether they could, or ought, to reduce the said fees, because of the property of the mortgagees: and this matter remains for the further consideration of parliament.

That no Security being given for safe custody of the prisoners, and the artful confusion of the title between the trustees for Lenthall, and the mortgagees, render the custody of the said prison unsafe, and precarious.

It appeared to the Committee, that, notwithstanding the inconveniency, arising from the claim of the mortgagees, and the high rent paid by the Marshal, yet this prison of the King's Bench is much better regulated than any other prison, the Committee hath enquired into; which they cannot but ascribe to the care of the Lord Chief Justice Raymond, who, not accepting of any presents, or fees, from the Marshal of the said prison, hath kept the said Marshal strictly to the performance of his duty; and his lordship hath heard, and redressed, the complaints of the prisoners.

It appeared to the Committee, that there are now in being some Books and Lists of

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Charities, belonging to this prison; and also that there have been other books, relating to the said Charities, which books are not now forth-coming.

There is a Charity collected from the several counties, and another, of monies collected in the courts of Westminster-hall, called High Bar-money. In the collecting the first of the said Charities there is some difficulty, full powers not being given for the raising thereof; and it hath been represented to the Committee, that the latter (though Charity Money) doth belong to the Lord Chief Justice, and that he hath a right to dispose of the same, as he thinks fit. [K.]

And it appeared to the Committee, that out of the small charity, which yet remains unimbezzled, an attempt was lately made to deduct monies, to repair the Wards for receiving the furniture, given to the sick rooms by the present Lord Chief Justice Raymond; and that these poor creatures, besides their great fees, pay also for repairing rooms in the gaol, and they were induced to sign a common seal for this purpose: [L.]

That the poor Prisoners suffer greatly, by the applying of the Charity Money to repairs, or to any other uses, than dividing it amongst them, and by their not being admitted to the common side, and the sharing the charities:

That the prosecuting Justices of the Peace, for acting in cases of breaches of the peace, committed by prisoners of the King's Bench prison, or within the rules thereof, greatly tend to the encouraging of disorderly, riotous, and dangerous, practices there.

By inspecting the Lists of Prisoners for Debt, transmitted from the various Gaols of this kingdom, and the Gazettes, and other authorities, the Committee find, that near 6,000 persons have been discharged out of the said Gaols by virtue of the act, passed in the last session of parliament, for relief of insolvent debtors; and that 600 of his Majesty's subjects, fugitives for debt, have returned, and reaped the benefit of that act: And by the returns of the Lists from the Country Gaols, it appears, that many hundred persons are still confined there, who were prisoners for debt before the 29th day of September, 1728, from which time the said Act took place.

The Committee came to the following Resolutions; viz.

"Resolved, 1. That it is the opinion of this "Committee, That effectual provision be made, "to prevent the Judges, their clerks, and servants, from receiving any Fees, Gifts, Presents, or any gratuities whatsoever, from the "gaoler or keeper of any prison, or from any "officer, intrusted with the custody of the prisoners, or any person impowered by them.

"2. That it is necessary to make further "provision, for the discovering, collecting, distributing, and accounting for, the Charities, "belonging to the King's Bench prison.

"3. That it is necessary to make further "provision for Creditors, for their more easy "and effectual Recovery of debts and damages, "on the escapes of prisoners from the King's "Bench Prison.

"4. That it is necessary to make further pro"vision, for the better preservation of the "peace within the King's Bench Prison, and "the rules thereof."

APPENDIX.

EXAMINATION of John Wildey.

[A.] John Wildey, being examined the 11th day of March, 1729, saith, that he, this Examinant, hath searched the Records at the Tower, and also at the Chapel of the Rolls, for the original grant from the crown of the office of Marshal and prison of the King's Bench, but could not find the same, or any other deed, or conveyance, relating to the said office, either to Mr. Lenthall, or the duke of Norfolk; and that he, this examinant, doth not know what title the said Lenthall had thereto.

EXAMINATION of John Jones, Esq.

[B.] John Jones, esq. being examined the 16th day of March, 1729, saith, that he was concerned for the late earl of Radnor in the sale of the said Earl's interest in the office of Marshal and Prison of the King's Bench; and that he, this examinant, remembers the payment of the Consideration Money for the same, and that upwards of 10,000*l.* was paid to the said Earl in this examinant's presence; and this examinant believes, that the whole consideration money, being 10,500*l.* was then paid to the said Earl.

EXAMINATION of Mr. Jasper Blythman.

Jasper Blythman, gentleman, being examined the 13th day of March, 1729, saith, that he saw the late earl of Radnor sign the receipt (now produced to him, this examinant) for 10,500*l.* and that his, this examinant's name, subscribed, as a witness to the said receipt, is of this examinant's proper hand-writing. And this examinant further saith, that he cannot, at this distance of time, say, whether the money was paid at that time of signing the said receipt, but doth believe, that the same was then paid; for that otherwise the said Earl would not have signed the said receipt, nor should this examinant have witnessed the same; and also for that, by the sale of the office of Marshal and Prison of the King's bench, and of an estate in Wales, the said Earl rendered his circumstances (which before that time were very uneasy, and unsettled) intirely easy.

Lord Radnor's Receipt for 10,500*l.* produced by Mr. Wildey, 13th March, 1729.

I, the right honourable Charles Bodville, earl of Radnor, do hereby acknowledge, that I have this 20th day of September, 1718, received of Joseph Stadley, of London, gentleman, the sum of 10,500*l.* of lawful money of

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Great Britain, being the consideration of and for my assigning to him (by an indenture, bearing equal date herewith, and made, or expressed to be made, between me, the said Earl, of the one part, and the said Joseph Studley, and Hall Loader, and John Allen, of London, gentleman, of the other part) the debt remaining due to me upon several securities, made by William Lenthall, esq. deceased, to sir John Cutler, knight and baronet, deceased, and secured by the office of Marshal of the Marshalsea of the King's bench, the consideration of which assignment is in the said indenture mentioned to be a competent sum of money, paid by him, the said Joseph Studley to me; and therefore of and from the said consideration money, and every part thereof, and all demands concerning the same, I do hereby acquit and discharge the said Joseph Studley. Witness my hand the day and year abovesaid.—RADNOR.—Witness, JAS. BLYTHMAN, JOHN MARTIN, WILLIAM BATTY.

[C] An ACCOUNT of the Shares of the several Proprietors of the King's Bench: Delivered by Mr. John Wildey, 13 March, 1729.

20th September, 1718, lord Radnor assigns to Mr. Studley for 10,500*l.*

24th September, 1718, Mr. Studley declares, that the 10,500*l.* was the money of Richard Houlditch and Robert Knight, esquires, Thomas Martin and Wm. King, goldsmiths, and William Martin, gentleman, and by them paid in equal shares, viz. 2,100*l.* a-piece.

4th December, 1748, Mr. King sold his fifth part to Mr. Crull for 2,178*l.* 15*s.*

31 Mar. 1720, Mr. Crull assigned to Surman for 2,775*l.*

Note: Upon Surman's Forfeiture, it became vested in the Trustees of the South Sea Company.

1727. The trustees assigned to Richard Bishop Surman's share for 1,555*l.*

21 Mar. 1728, Mr. Bishop assigned his share to Mr. Preston for 1,821*l.*

4 December, 1718, Mr. Houlditch sold his fifth part to Richard Capper for 2,200*l.*

20 Feb. 1720. Note: Mr. Capper acknowledged, that he was only a trustee for Mr. Bowman.

Note: Mr. Bowman, by will, gave his Fifth to Mr. Thomas and John Martin, in trust, &c.

4 April, 1720. Mr. Thomas Martin sold one fourth of his fifth part to Mr. Studley for 525*l.*

1721. Mr. Knight's fifth part became forfeited to the trustees of the South Sea Company.

1727. The trustees of the South Sea Company assigned Mr. Knight's fifth part to Mr. Thomas Martin for 1,605*l.*

8th April, 1721, Mr. William Martin assigned one moiety of his fifth part to Mr. John Martin for 4,200*l.* and afterwards the said Mr. William Martin assigned the other moiety to said John Martin.

EXAMINATIONS of Mr. JOSEPH STUDLEY, the 9th, 11th, and 13th, March, 1729, at the Committee, appointed to enquire into the State of the Gaols of this kingdom.

Joseph Studley, being examined the 9th day of March, 1729, saith that he is entitled to one twentieth part of the office of Marshal and Prison of the King's bench; and that he hath had such share ever since the year 1718; and that he paid for the same 525*l.* at two payments, in or about October, 1718, to the use of Mr. Wm. Martin. And this examinant further saith, that the whole debt, due to the earl of Radnor on the said premisses, was assigned to this examinant; and that he, this examinant, has all along received the rents and profits of the said premisses for all the proprietors thereof, and hath from time to time accounted with Mr. Martin and Mr. Wildey, who have all such accounts, as also all the title-deeds, and writings, relating to the said office of Marshal and Prison of the King's bench, in their or one of their custody; and that he, this examinant, hath been allowed 5*l.* a term for his trouble. And this examinant further saith, that the book now produced by this examinant, doth contain a true account of all alienations of offices, fines, and other profits, of the said office of Marshal and Prison of the King's bench, which have come to the hands or knowlege of this examinant. And the said examinant being asked, whether he doth not apprehend himself liable to make good escapes; he, this examinant, saith, that he is not liable thereto, it having been so determined, upon a trial at law, in Poulter's case. And this examinant further saith, that both Machen, the late Marshal, and Mr. Mullens, the present Marshal, of the King's bench, were appointed Marshals since this examinant's said purchase, and with this examinant's consent; and that both the said Marshals gave security, for payment of the rent; but that no security was taken from either of them, to answer, or make good escapes, or for good behaviour.

And the said Joseph Studley, being again examined on the 11th day of March, 1729, saith, that he was present at the execution of the purchase deeds, dated the 20th of September, 1718, by the late earl of Radnor: and then saw the said earl sign the receipt for 10,500*l.* consideration money, and did then also see Mr. William Martin pay unto the said earl several bank notes at Mr. Blythman's chambers in the Temple, but how much, in the whole, was paid to the said earl, this examinant doth not know.

And the said examinant being again examined on the 13th day of March, 1729, saith, that he hath used his best endeavours to find out Lenthall's title to the office of Marshal and Prison of the King's bench, but hath not been able to discover the same, nor can give any other account thereof, than that he, this

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examinant, hath been informed by Mr. Martin, that the title-deeds of the said office were lodged in the House of Lords, upon the passing of an act of parliament, relating to the said prison, in the 8th and 9th years of the reign of king William the Third.

EXAMINATION of James Slann.

[D. 1.] James Slann, footman to Thomas Martin, esq. being examined the 6th day of March, 1729, and asked, what property he has in the Prison of the King's bench, says, that he is a nominal trustee for the heirs of Mr. Lenthall. And this examinant being asked, what he means by a nominal trustee, and by whom he was appointed such trustee; he says, he does not know, what a nominal trustee is, nor by whom he was appointed such: And being asked, how he knows, he is a nominal trustee; he says, he is informed, that he is such, but does not know by whom he was so informed.

And this examinant being asked, whether he signed and sealed the deed, now shewn to him, and by whose order he so executed the same; he says, he did sign and seal the said deed by the order of his master, Mr. Martin. And the said examinant being asked, how long it is since he executed the said deed, and who was present, when he executed the same; he says, he does not know how long it is since he executed the said deed, nor who was present at such execution, except Mr. John Wildey, who was then present. And the said examinant being asked, whether he ever read, or heard read, the said deed, or knows the contents thereof, saith, that he never did read, or hear read, the said deed, nor knows the contents thereof; and that he, this examinant, hath signed and sealed several deeds, without reading, or hearing the same read, or knowing the contents of the same.

And this examinant being asked, whether, at the time of his executing the said deed, he apprehended he should reap any benefit by his executing the same, or that he was thereby liable to answer any escapes, and whether he was able to make good escapes, that might happen, or to pay 4 or 5,000*l.* on that occasion; he, this examinant, saith, that he knew not whether he was to reap any benefit by his signing the said deed; and that he did not apprehend, by his signing the same, he was liable to make good any escapes that happened; and saith, that if any escapes should happen, he is not able to make good or pay for the same.

EXAMINATION of Mr. John Wildey.

[D. 2.] John Wildey, being examined the 6th day of March, 1729, and being asked what property he has in the King's-bench prison, saith, that he is a trustee for the heirs of Lenthall, and was nominated such trustee at the request of John Martin, esq. in a deed now shewn to this examinant; and that he, this examinant, by the verbal order of the said Mr. Martin, and of Mr. Thomas Martin, Mr. Studley and Mr. John Preston, did execute the other deed, now also shewn to this examinant.

And this examinant being asked, whether he does not apprehend himself liable to answer escapes, or who is liable to make good the same; he, this examinant, saith, that he doth not apprehend himself, or any of the proprietors of the King's-bench prison, answerable for escapes; but that the Marshal of the said prison is liable to make good the same; and that he, this examinant, was never put to any trouble upon account of escapes. And this Examinant being asked, whether the said Marshal has given any and what security, to answer escapes; this examinant saith, that the said Marshal has given no other security for that purpose, than his own personal security, by a covenant contained in the said last-mentioned deed; but this examinant apprehends, that if any escapes shall happen, which the said Marshal shall not be able to make good, the heirs of Lenthall will be liable to make good the same. And this examinant further saith, that he doth not, nor ever did, receive any rent whatsoever from the Marshal of the King's-bench, nor ever sign any receipt for rent. And the said examinant being asked, whether he ever received any surplus money for the heirs of Lenthall; he, this examinant, saith, that he never did receive any such surplus money.

EXAMINATION of Mr. John Preston.

Mr. John Preston, being examined the 9th day of March, 1729, saith, that he, this examinant, is entitled to one fifth part (the whole into five equal parts being divided) in the office of Marshal of the King's-bench, and the prison thereof, with the buildings and appurtenances thereto belonging; and that he purchased the same in May last, of Richard Bishop, to whom this examinant paid 1,821*l.* for the said share; and that the said Richard Bishop thereupon assigned to this examinant all the estate and interest of him, the said Richard Bishop, in the said premisses; the profits whereof being usually accounted for by Joseph Studley, the receiver thereof, every term, this examinant saith, that he hath received for his share of the said profits, 28*l.* each term or thereabouts.

And the said examinant being asked, whether he does not think himself liable to make good escapes of prisoners that may happen, saith, he hath been advised, and doth apprehend that he is not liable thereto, being only a mortgagee.

And the said examinant being asked, whether Mr. Mullens was made Marshal of the King's-bench since this examinant's said purchase, and with this examinant's consent, and whether the said Mullens had given security to answer or make good escapes; this examinant saith, that the said Mullens was made Marshal since the purchase, and with the consent, of this examinant; and that he, this examinant, doth not know that any security has been given by the said Mullens, to answer or make good any escapes.

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The further EXAMINATIONS of Mr. Richard Mullens, Marshal of the King's-bench Prison, taken before the Committee of the House of Commons, appointed to inspect the Gaols of this Kingdom, this 21st day of February, 1729, and April 9, 1730.

This examinant saith, that he is Marshal of the King's-bench prison, and appointed by the proprietors, viz. Thomas Martin, William Martin, John Martin, John Preston and Joseph Studley, esquires: that the said proprietors have a right to present a Marshal of the said prison to the court of King's-bench, who are to approve and confirm the said Marshal; and, after he is sworn in before the said court, he is then in full possession of the said office. This examinant further saith, that in the year 1724 he applied to the said Joseph Studley, in order for to get the office of Marshal to the King's-bench prison, and by means of the said Joseph Studley was introduced to the other proprietors, whom he (Mullens) met at Garraway's coffee-house towards the end of the year 1724, where the said proprietors, viz. Thomas Martin, John Martin and Joseph Studley, esquires (and, as he thinks, William Martin) were present; who proposed to the said examinant, that they the said proprietors would present him to the court of King's-bench as Marshal of the said prison, and grant him (Mullens) a lease of the said office and prison for the space of five years, with a right of renewal for three years, after the expiration of the said term, on condition of paying to the said proprietors the annual sum of 800*l.* and also the further annual sum of about 20*l.* as a quit-rent, and to allow to the chamberlain of the said prison, appointed by the proprietors, the usual profits of the said office, which he hath since compounded with the said chamberlain, for the yearly sum of 30*l.*; and that the said proprietors further told him, that over and above the said sums, he (the Marshal) before he was approved of and sworn into the said office, must pay 100 guineas to the Lord Chief Justice of the King's-bench, and a further sum of 50 guineas to each of the three puisne judges of the said court: that he, this examinant, objected to all these demands as too exorbitant, from the impossibility of fairly raising the said sums; to which the said proprietors answered, that if he (Mullens) refused to take the said office on these conditions, many others would gladly accept of this offer; and that the former marshals had made a great deal of money of the said office, and particularly Mr. Machen had got between 2 and 3,000*l.* by it: this examinant replied, that no person could make such a profit honestly; and if any one got so much money in the said office, it must be by giving liberty to some of the prisoners and running away with them: to which the said John and Thomas Martin, or one of them, answered, that he (Mullens) must take his chance for that, for he took the said office with his eyes open. And this examinant further saith, that he agreed with the said proprietors for the said office and prison, and a grant of the same was made to him and executed on the 14th day of January, 1724, by Richard Wellman, a hackney writer to the said John Martin, or one of them, with the consent of the said Joseph Studley; and that on or before the 23rd day of the said month of January, he (Mullens) gave a purse containing 100 guineas, into the hands of sir John Pratt, the then Lord Chief Justice of the King's-bench, and one other purse containing 50 guineas, to Mr. Justice Fortescue, and the like sum to Mr. Justice Powis; and he offered the like sum to sir Robert Raymond, then one of the puisne judges of the said court, who refused the same, saying, he did not know any such fee was due, and that if it was not a legal fee he would not take it; but that he would inform himself of the Lord Chief Justice, and the other judges; and some days after, the said sir Robert Raymond did accept of the said sum, having, as he informed this examinant, seen the Lord Chief Justice, and the other judges of the said court: and this examinant has heard, and believes, that no Marshal was ever approved of and sworn into the said office, without making the said presents, except himself, who, on the renewal of his grant of the said office and prison, was sworn into the said office on the 25th of January last, 1729, without making the said presents to the judges. And he (Mullens) further saith, that the Marshal usually gave, every Christmas, twenty guineas to the Lord Chief Justice of the King's-bench, and ten guineas to each of the puisne judges of the said court; but that sir Robert Raymond, the present Chief Justice, has always refused the said sum, but desired he would not mention such refusal, lest his successors should think he lessened their perquisites: and further saith, that Mr. Justice Reynolds did accept of the ten guineas, but sent the said sum by his clerk, to be distributed among the prisoners of the said prison; and further saith, that all the judges of the said court refused to take the said presents last Christmas.

R. MULLENS.

At the Committee, appointed to enquire into the State of the Gaols of this Kingdom,

The said Richard Mullens, being examined this 9th day of April, 1730, in the most solemn manner, saith, that the above-written Examination, and every part thereof, is true.

R. MULLENS.

The said Richard Mullens further saith, that the lease, by which he agreed to pay 800*l.* per annum to the said proprietors, was, by the interposition of the Lord Chief Justice Pratt, cancelled, and a new lease granted, of the same date, which is the lease last expired.

R. MULLENS.

EXAMINATION of Mr. Richard Mullens, Marshal of the King's Bench Prison, 21st February, 1729.

About five months ago all the judges of the King's-bench ordered Mr. Mullens to give the

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proprietors notice to attend them at the Lord Chief Justice's chambers, and they all met accordingly, my Lord Chief Justice then told the proprietors, the occasion of sending for them was, to acquaint them, that they (the judges) were of opinion, that there would be a parliamentary enquiry into their prison, as there had been of others; and, though, they apprehended, they had no direct right to make any order upon them (the proprietors) yet they recommended it to them (the proprietors) to alter the exorbitant rent, they now let it at; and, though they imagined, they were secure under an act of Parliament, yet it was their opinion, that the parliament would construe it, that by their letting it at such exorbitant rents, and to people without sufficient security, and obscure people permitted to covenant for it, that escapes would be deemed voluntary in them, as if they had acted themselves as Marshal; that they themselves would be liable to make good the escapes, and forfeit their office.

R. MULLENS.

At the Committee, appointed to enquire into the State of the Gaols of this Kingdom,

The said Richard Mullens, being examined this ninth day of April, 1730, in the most solemn manner, saith, that the above written Examination, and every part thereof, is true.

R. MULLENS.

The Fourth EXAMINATION of Mr. Mullens, in the most solemn manner, 9th April, 1730.

At the Committee, appointed to enquire into the State of the Gaols of this Kingdom;

[E.] Richard Mullens, Marshal of the King's-bench prison, being examined this 9th day of April, 1730, in the most solemn manner, saith, that he, this examinant, hath lived within the rules of the said prison, and been conversant therein, for the space of ten or eleven years; and that in or about the year 1723, one Poulter was committed to the custody of Richard Machen, then Marshal, in execution, for 18,000*l.* and upwards, at the suit of William Wilson; and that soon afterwards the said Machen gave the said Poulter the liberty of the rules, for 260 guineas, or thereabouts, and took a bond from the said Poulter's brother, for 1,000*l.* (as the said Machen informed this examinant) and in and about ten days after the said Poulter obtained the liberty of the rules, he escaped to Holland, and there continues, as this examinant is also informed: And thereupon the said Wilson brought an action, in the court of King's-bench, against the said Machen, for the said escape, and recovered judgment for the said debt; and afterwards the said Wilson moved the said court, that the profits of the office of Marshal and prison of the King's bench might be sequestered for the said debt; and the court referred it to the master of the King's-bench office, to state the account of the mortgagees; and the said master reported due to them 18,000*l.* and the said Wilson could not obtain any satisfaction, and soon afterwards shot himself, in despair, at an inn in Barnaby Street, which, this examinant believes, was called St. Christophers. And this examinant further saith, that the said Machen is now a prisoner, in the custody of this examinant, at the suits of Elizabeth and Anne Wilson, the administratrixes of the said Wm. Wilson, and also at the suits of Benjamin Arnold and Christopher Thwaites; and that several other prisoners, besides the said Poulter, did escape, during the time that the said Machen was Marshal; and that the rent of the office and prison is so exorbitant, that no person of good substance would take the said office; and that it has been customary for former Marshals to suffer escapes, to enable them to raise money to pay their rent, and to get their livelihood.

R. MULLENS.

The EXAMINATIONS of Mr. Richard Mullens, Marshal of the King's Bench Prison, taken 23d February, 1729, and 9th April, 1730.

This examinant saith, that Knight and Surman being possessed of two fifths of the office of Marshal of the prison of the King's-bench, as he is informed, Thomas Martin, esq. and Richard Bishop, tipstaff of the court of common pleas, purchased those two fifths of the trustees of the South Sea Company, for the sum of 1,600*l.* each, as this examinant is also informed, and some time about twelve months since, Mr. Preston, clerk of the Vintners Company, purchased Mr. Bishop's said fifth; but knows not what sum of money was paid for it. That he computes the fees, which he has actually received, as Marshal of the prison, to amount to about 50*l.* annually, before they were lately reduced; and that he expects, very little will arise from those fees for the future: That what induced him to take a new grant of the said office and prison, at a rent of 750*l.* was, from an assurance given him by Mr. Studley, one of the proprietors, of an intention of the proprietors, to reduce his rent to 400*l.* (the Judges having recommended such reduction) and in further hopes, that, if the government should take the gaol into their hands, he (Mullens) might be appointed marshal of it: That the profit chiefly arises from giving the liberty of the rules to the prisoners, which were greatly enlarged by the late Chief Justice Prat, by the addition of St. George's Fields to the rules, on application of the prisoners to the Court of King's-bench; but, having kept no account of these profits, he cannot say, what they annually produce: That he believes, there are generally upwards of 120 prisoners, who enjoy the liberty of the rules; but that he will deliver in a particular account of them to the Committee: That, on his being admitted Marshal, he had no prisoners delivered to him, but such, as were within the house, under the key, which did not exceed 77; but that he had no account given him of all the prisoners, that had the liberty of the rules granted them by his predecessor, Machen,

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nor does he apprehend himself to be charged or chargeable therewith: He is informed, and believes, that great numbers of those prisoners, who then enjoyed the rules, made their escape when Machen run away; and believes, he has an authority, by virtue of a rule of court (the copy of which is delivered to the Committee) to re-take, and lock up, any of those prisoners, if he thinks fit: but that he is not by such rule obliged to re-take them, and thereby make himself liable; and believes, this has been the practice of all former marshals, for many years, since the office has been in the hands of particular proprietors: That his other profits arise to him by groats out of the judgments and bails in the court of King's-bench, paid him by the master of the King's-bench office, which he computes at about 100*l.* annually: That he lets the profit of his tap, and sutlerage, to one Metcalf (a brewer of Greenwich) for 100 guineas fine, and 100 guineas yearly; That he has one shilling out of every day rule, which he computes to be worth to him about 35*l.* per annum: That he has one shilling for every night, that a prisoner lies in a spunging house, which he computes to be worth about 30*l.* yearly: And these, he declares, are the only methods, by which he makes any profits. R. MULLENS.

At the Committee, appointed to enquire into the state of the gaols of this kingdom,

The said Richard Mullens, being examined this 9th day of April, 1730, in the most solemn manner, saith, that the above-written Examination, and every part thereof, is true.

R. MULLENS.

[F.] A LIST of the NAMES of the several persons, who have executed the Office of Marshal of the Court of King's Bench (from the year 1668) the Dates of their several admissions, and how long they respectively continued in the said office, as appears per the several Books of Entry, which are now in Custody of Mr. Richard Mullens, present Marshal of the said Court, Delivered by the said Mr. Mullens.

MARSHALS NAMES.

Mr. Steph. Mosdell, admitted, February 12th, 1668; continued to April 23d, 1672.

Mr. Thomas Meney, April 24th, 1672; to October 21, 1675.

From the year 1675; to the year 1684, books wanting.

Mr. Hen. Glover, May 20th, 1684: to April 12th, 1687.

Mr. Coke, April 15th, 1687; to November 9th, 1688.

Mr. Philpot, November 23d, 1688; to May 31st, 1690.

Mr. Will. Briggs, June 2d, 1690; to October 3d, 1693.

From the year 1693; to the year 1696, books wanting.

Mr. George Taylor, May 2d, 1696; to February 23d, 1698.

Mr. Godfrey Gimbert, December 29th, 1698 to March 29th, 1701.

Mr. William Sutton, March 15th, 1700; to November 10th, 1703.

Mr. Fr. Southward, November 11th, 1703; the continuance uncertain: book cut.

Mr. Will. Broughton, May 6th, 1706; to February 13th, 1711.

Mr. Moses Cook, February 14th, 1711; to February 7th, 1715.

Mr. David Crawford, February 9th, 1715; to March 8th, 1721.

Mr. Richard Machen, March 24th, 1721; to January 20th, 1724.

Mr. Rich. Mullens, January 24th, 1724; present Marshal.

[G.] Copy of a Rule of Court for the new Marshal to retake such Prisoners, as had the Liberty of the Rules granted by his Predecessors.

Die Mercurii, in Quinden' Sc' Hillarii, Anno 11 Georgii Regis.

Ordinat' est, quod marr' 'maresc' hujus cur' recapiat omnes prisonar' ad largum existen' necnon omnes prisonar' qui fecer' escap' è prison' mar' et non legitime exonerantur è prison' pr' et ducat eos in prison' pr. Ex motione Mr. Ketleby, per Cur.

EXAMINATION of Mr. John Morris.

[H.] John Morris, Deputy Marshal of the King's-bench prison, being examined this 21st day of February, 1729, says, that he was appointed Deputy Marshal of the King's-bench by Charles, earl of Radnor, above twenty years ago (but hath not the grant now with him) and paid 50*l.* to Thomas Cook, for the said earl by way of alienation, and a considerable sum to him, the said Cook (who was then Deputy Marshal, and is since dead) for his surrendering to this examinant; and that he paid a further sum of ten guineas to one Broughton, the then Marshal, and 20 guineas to the Lord Chief Justice Holt, which, as far as this examinant remembers, he gave to him with his own hands.

Being asked, in what manner the office was surrendered; says, that Cook surrendered the office to lord Radnor, two days before lord Radnor granted the office to the examinant.

Being asked, what was the business of Deputy Marshal; says, that now the business of Deputy Marshal is to attend the Court of King's Bench, with the Lord Chief Justice, wheresoever he goes; but formerly the offices of Deputy Marshal, and clerk of the papers, were annexed; and now the fees are given in jointly together.

Being asked, if he ever gave any thing, by way of Christmas-box, to the judges, or any officers under them; says, that there was a table kept in the Lord Chief Justice Holt's time, and now he sometimes eats at the Lord Chief Justice's table; and he has given at Christmas half a crown, or so, to each servant.

JOHN MORRIS, Deputy Marshal.

23d February, 1729.

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EXAMINATION of Samuel Woodham, Esq. 7th April, 1730.—At the Committee, appointed to enquire into the State of the Gaols of this Kingdom.

[I.] Samuel Woodham, esq. one of his Majesty's justices of the peace for the county of Surry, being examined the 7th day of April, 1730 in the most solemn manner, saith, that he, this examinant, having in the month of December, 1728, committed, for want of sureties, to the county gaol of Surry, Humphry Heybord and Joseph Allen, for violent assaults committed by them; and Richard Mullens, Marshal of the court of King's-bench, having threatened to move the said court against this examinant for so doing, he, the said Mullens, alleging, that the said Heybord and Allen were then prisoners in the custody of him, the said Mullens; this examinant, together with sir John Gonson, did, about three weeks before the then next term, wait upon the Lord Chief Justice of the said court, and acquaint him therewith: to which his lordship answered, that what this examinant had done, was very right; and that this examinant should proceed in the same manner against all offenders in the like cases; and that he would support or protect this examinant therein, or to that effect. And this examinant further said, that the said Mullens, as he had before threatened, did accordingly, in Hilary term, 1728, move the court of King's-bench, that an attachment might be awarded against this examinant, for this examinant's having committed the said Heybord and Allen to the said county gaol, as aforesaid, although such county gaol is within the rules of the King's-bench prison; and thereupon a rule having been granted by the said court, for this examinant to shew cause, why such attachment should not be awarded against him, he, this examinant, did attend with his counsel eight days, or thereabouts, in order to shew cause against such attachment, and to represent to the said court (as he had before done to the said Lord Chief Justice) the reasons, why this examinant had committed the said Heybord and Allen to the said county gaol, which reasons are contained in an affidavit, made by this examinant in the said court. And this examinant saith, that, before this examinant's counsel could be heard, the said court declared, that this examinant, in committing the said Heybord and Allen (being prisoners in the custody of the said Marshal) to the said county gaol, upon any pretence whatsoever, and notwithstanding that such county gaol was within the rules of the prison of the King's-bench, was guilty of a rescue, or to that effect; and the counsel for the said Mullens then moving, that he, the said Mullens, might be at liberty to sue this examinant for the rescues, or escapes of the said Heybord and Allen, this examinant was asked by the said court, whether he, this examinant, was willing to pay unto the said Mullens his costs; to which this examinant (by the advice of his counsel, and to avoid further prosecutions) answered, that he was willing to pay the same. And this examinant saith, that thereupon a bill of costs was delivered, by the attorney for the said Mullens, to this examinant, amounting to 31*l.* and upwards; in which was included one article of 8*l.* and upwards, for expences, which the said Mullens alleged he had been at, in removing into the crown office several indictments, which had been preferred against the said Allen and Heybord, for misdemeanors, they had been guilty of, no ways relating to those, for which they had been committed by this examinant, as aforesaid: and the said bill of costs being referred to Mr. Clark, master of the King's bench office, for a taxation; and a dispute arising, touching the said article of 8*l.* and upwards, so charged, for removing the said indictments, as aforesaid; this examinant did attend the said Lord Chief Justice, for his opinion, whether this examinant ought to pay the same; and his lordship then declared to this examinant, he apprehended, the said court did not mean, or intend, that this examinant should pay those costs; or to that effect: which declaration of his lordship's this examinant did communicate to Mr. Marriot, his, this examinant's attorney; who thereupon insisted before the said Mr. Clark, that the said article should be disallowed; but the said Mr. Clark, not being satisfied therewith, did attend the said Lord Chief Justice alone, for his directions therein; and the said Mr. Clark, at his return from the said Lord Chief Justice, did declare, that his lordship directed, that this examinant should pay all costs, as well the said 8*l.* and upwards, as other the costs, contained in the said Bill; and this examinant hath been obliged to pay the same accordingly. SAMUEL WOODHAM.

EXAMINATION of Sir John Gonson in the most solemn manner.—At the Committee, appointed to enquire into the State of the Gaols of this Kingdom.

Sir John Gonson, knight, being examined the 9th day of April, 1730, in the most solemn manner, saith, that about 16 or 18 months since, Samuel Woodham, esq., one of his Majesty's justices of the peace for the county of Surry, desired this examinant to accompany him to the Lord Chief Justice of the King's Bench, to inform him, that he, the said Mr. Woodham, had been threatened with trouble, for having executed his office, in committing persons, who were prisoners within the rules of the King's Bench (on account of misdemeanors by them committed) to the county Gaol of Surry, which county Gaol this examinant believes to be within the rules of the King's Bench Prison: That they found the said Chief Justice at his chambers in Serjeants Inn; and that there passed a long conversation between the said Lord Chief Justice, Mr. Woodham, and this examinant, all the particulars whereof this examinant cannot take upon him

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to remember; but, upon the whole, the said Lord Chief Justice received them with great civility, and did not then seem to blame the said Mr. Woodham; but this examinant very well remembers, that the said Lord Chief Justice then said, that he would support the said Mr. Woodham, and the gentlemen in the commission of the peace, as far as he could by law; or used words to that effect. J. GONSON.

EXAMINATION of Mr. Joseph Mason.

[K.] Mr. Joseph Mason, clerk to the Lord Chief Justice of the Court of King's Bench, being examined the 16th day of March, 1729, saith, that he, this examinant, hath always received the exhibition money, belonging to the King's Bench, and also the said Lord Chief Justice's share of the high bar money, which high bar money has been given away by the said Lord Chief Justice to charitable uses. And this examinant further saith, he believes, that the high bar money doth belong to the said Lord Chief Justice, and that he hath a right to dispose of the same, as he thinks fit.

EXAMINATION of Thomas Backhouse, Steward to the Common Side, &c.—At the Committee, appointed to enquire into the State of the Gaols in this Kingdom,

[L.] Thomas Backhouse, being examined the 7th day of April, 1730, in the most solemn manner, saith, that last Michaelmas term the Lord Chief Justice of the court of King's Bench gave furniture for the sick wards of the King's Bench Prison; upon which the Marshal of the said prison told this examinant, that the wards were not in a fit condition to receive the furniture, and that they ought to be repaired; which this examinant understood to be at the expence of the prisoners: And accordingly this examinant ordered the said sick wards, or rooms, to be repaired; and called the prisoners together, and told them, that the Marshal said, it was fitting, the sick rooms should be repaired, before the Lord Chief Justice's furniture should be put up; and asked them, whether they were consenting, it should be done; and William Watson, and Thomas Maund, and others, said, they were consenting; and this examinant doth not remember, that any person refused to be consenting: And that this examinant ordered workmen to repair the said rooms; and, when the workmen demanded money of him, he went to the Marshal, and desired him to send this examinant some monies: To which the Marshal told him, he might get the common seal: And this examinant accordingly applied to the prisoners, to sign a common seal; and some of them refused to sign the same, particularly William Lucas (who afterwards, upon persuasion, did sign) and William Moore, who then refused, and hath not yet consented, to sign the said common seal: Notwithstanding which, this examinant did obtain a common seal, which the said Marshal signed; and this examinant did present the said seal to Joseph Mason, gentleman, clerk to the said Lord Chief Justice, in order to receive 4*l.* 14*s.* 5*d.* for the said repairs, out of the county monies, designed for the subsistence of the prisoners on the common side of the King's Bench; which the said Mason refused to comply with, as not having any monies in his hands. And this examinant further saith, that he never knew any money raised upon the prisoners, nor taken out of the charities, for repairs: But, on recollection, saith, that he paid for the mending of the windows out of the said county monies, designed for the subsistence of the said poor prisoners; and that he did this but once, about one year since, or upwards. And this examinant further saith, that he is steward of the common side of the said prison, and was chose such by the prisoners about two years since, with the approbation of the said Marshal. T. BACKHOUSE.

The Resolutions of the above Committee, being severally read, were agreed to by the House.

Protest against passing the Mutiny Bill.] March 23. A Bill for punishing Mutiny and Desertion, and for the better payment of the army and their quarters, being read the third time in the Lords, the question was put, whether this bill shall pass, it was resolved in the affirmative.

"Dissentient'

"Because, we think, that so large a number as is proposed to be kept up in this kingdom for this year, by this bill, is not necessary for our safety, as far as we can judge from the present conjuncture of affairs: and that a standing army in time of peace must be always burthensome to the people and dangerous to their liberties, for reasons often given by several Lords, and remaining upon the Journals of this House, to which we choose to refer, rather than repeat them, in order to prove a proposition that we think almost manifest in itself, or at least may easily be maintained by arguments undeniably convincing, and so obvious, in our opinion, that they must occur, upon the least reflection, to every Englishman who loves his country and his freedom.——*(Signed)* Montjoy, Strafford, Abingdon, Beaufort."

Debate in the Lords on a Motion, that the Maintenance of 12,000 *Hessian Troops was burthensome and unnecessary.*] April 17. The order of the day, for taking into consideration the State of the Nation, being read, it was moved to resolve, That the maintaining of 12,000 Hessians in the pay of Great Britain, for the year 1730, is burthensome and unnecessary. In support of this motion the earls of Abingdon and Strafford urged, That there being a Treaty of Peace concluded with Spain, and an accommodation with Prussia, we had nothing to fear from the emperor, therefore there could be no necessity, for continuing these troops in our pay.

Those against the question alledged,

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That the keeping up the 12,000 Hessians for this year, was to fulfil the engagements to our allies, whom we cannot in honour, expose to the fury of the emperor, and discharge, in the present conjuncture, a body of troops which is most capable of harrassing him: that England, France, and Holland are, in case of an attack on their dominions, to assist each other, and furnish their respective quotas; and, in consequence of these engagements, the French have augmented their troops above 30,000 men, and the Dutch 24,000, and have likewise foreign troops in their pay; and that the expence of 12,000 English would be much greater than that of 12,000 Hessians, and that this expence for one year may prevent a war.

Protest on the said Motion's passing in the Negative.] Then the question being put, it was resolved in the negative, Contents 21, Not-contents 80.

"Dissentient'

1. "Because we think the maintaining foreign troops in our pay, where we have no territory, and not only when we have no war, but immediately after a peace concluded with one of the most considerable powers in Europe, whilst we are in alliance with Holland, and are in strict friendship with France, the most considerable power of all, is a policy, that before this instance of it cannot be paralleled, as far as we can recollect, in all our annals, and must be owing to the advice of ministers less cautious and less concerned for the true interest of this kingdom than their duty obliged them to be: and we cannot, out of the regard we owe to our posterity, consent to it.

2. "Because the importance of the service, in which they are designed to be employed, does no way appear to us, and we fear it may create an apprehension that they may be intended for purposes that do not concern Great Britain; which is a jealousy (however ill-founded) that we are persuaded from his Majesty's goodness he will always be inclined to prevent for his people's sake; and his counsellers, we think, ought, if possible, to prevent, for their own.

3. "Because, we think, it would be an unreasonable burthen upon the people at any time, but we look upon it to be particularly so at this, whilst we are still heavily loaded with an immense national debt, severe annual taxes, oppressive and perpetual excises, and have had of late the additional misfortune of an unusual and excessive dearness of almost all necessaries for living; whilst our commerce, we cannot but fear, has been declining for some years, and many valuable branches of it running into other channels, from whence we have but little expectation of ever deriving them again into our own: when the dubious and unhappy situation of affairs, under which we have laboured of late, has reduced many substantial merchants to poverty, and has been productive of other ill consequences that, we apprehend, will be sensibly felt for some time by the whole nation; when the sum which is to be allowed for the maintenance of these troops is at least sixpence in the pound on every landed man's estate in England; and when we avowedly pay, at the same time, greater subsidies to other foreign princes than our present circumstances, in our opinion, can well bear, or than any wise reasons of state seem to require.

4. "Because it does not appear to us, that his Majesty either in any speech or by any message, has demanded any supply for what seems to us so extraordinary a charge: and he seems not to think them necessary for our safety at home, since he has lately disbanded some of our own; and we cannot find we are under any direct stipulation to maintain them for the safety of our allies abroad, who, notwithstanding the various engagements and multiplicity of treaties, with which we have, within the compass of a few years, most incautiously (as we fear) entangled ourselves, have no right to require succours from us, till by some molestation or hostile attack the public tranquillity is disturbed; which misfortune may still (as we hope) be prevented, if such measures are taken as it becomes able and upright statesmen always to pursue; if the reputation of our wisdom and power is alone sufficient (as it ought to be) to procure us equal and useful alliances (and it always will be, when the affairs of the kingdom are administered as they ought to be) and if to save our friends from dangers that perhaps are only imaginary, we do not run into real ones ourselves. —*(Signed,)* Berkshire, Scarsdale, Strafford, Coventry, Huntingdon, Northampton, Montjoy, Craven, Plymouth, Maynard, Boyle, Oxford and Mortimer, Abingdon, Aylesford, Willoughby de Broke, Litchfield, Gower."

The King's Speech at the Close of the Session.] May 15. The King came to the House of Lords, and the Commons attending his Majesty made the following Speech to both Houses:

"My Lords and Gentlemen,

"The season of the year, and the dispatch you have have given to the public business, make it proper for me to put an end to this Session; and I make no doubt, but the conduct and behaviour of this parliament, as it has answered my expectations, will be equally satisfactory to all my good and faithful subjects.

"The support you have given me, in enabling me so effectually to make good my engagements with my Allies, will, I persuade myself, have the desired effect; and when it shall be seen, that the allies of the Treaty of Seville are not only determined, but in a readiness, to execute their mutual engagements, it is very much to be hoped, that a general pacification will be the happy consequence of this just and powerful alliance.

"Gentlemen of the House of Commons,

"I give you my thanks in particular for the Supplies you have raised for the service of the current year. It is a great sa-

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tisfaction to me, that you have had such a due regard for the ease of your fellow-subjects, whose welfare and prosperity it shall always be my principal care and study to advance and promote.

"My Lords and Gentlemen,

"I am very glad, that, for the general satisfaction you entered into a particular consideration of the State of the Nation; and it is a great happiness to see, after so many unjust and unreasonable clamours raised with all possible art, industry and malice, that upon mature deliberation and the most solemn debates, you were so far from finding any thing worthy of blame or censure, that all matters which came under your consideration, met with your approbation.

"This must give all mankind a just detestation of those incendiaries, who, from a spirit of envy and discontent, continually labour, by scandalous libels,* to alienate the affections of my people, and to fill their minds with groundless jealousies and unjust complaints, in dishonour of me and my government, and defiance of the sense of both Houses of Parliament.

"But I must rely upon your prudence, and your concern for the peace and happiness of your country, to discountenance all such seditious practices, and to make my people sensible, that these wicked proceedings can have no other view or end, but to create confusion and distraction among us." †

* "The 'scandalous libels' mentioned in the King's Speech were supposed chiefly to allude to the periodical papers entitled "The Craftsman," supported by the ablest political writers of the age, Lord Bolingbroke and Mr. Pulteney being themselves of the number, and in which the measures of the administration were attacked with equal animosity, wit, and argument. So transient, however, is the fame attached to controversial politics, that this publication, so admired and celebrated in its day, is already consigned to obscurity and almost to oblivion." Belsham.

† "The power of the minister and his family, was so far from being diminished, by the outcry raised against his administration, that his friends every day succeeded to the great honours and places that were vacant in England. His brother Horatio Walpole, was made cofferer of the household, in the room of the late earl of Clinton; Mr. Pelham was appointed paymaster of the forces, in the room of Spencer Compton, now lord Wilmington, who was made keeper of the Privy-Seal, in the room of lord Trevor preferred to be lord president of the council. Lord Hervey was appointed vice chamberlain of the household, and sworn into the Privy Council. Sir Convers D'arcy was made comptroller of the Household, in the room of the earl of Winchelsea, who resigned. The duke of Dorset succeeded lord Carteret, as lord-lieutenant of Ireland. The famous lord Torrington was at the head of the admiralty, and the earl of Westmorland was first commissioner of trade and plantations, and the earl of Chesterfield was made Lord Steward of his Majesty's Household. All the offices of less importance, either in the court or the government, or army, went in the same channel. Such a flow of favours heaped on one man, could not but disgust some old servants of the crown, who thought their merits were overlooked, or at least, eclipsed amongst these was Charles, lord Townshend, a nobleman of great zeal and activity for the Protestant succession. He was a favourite with the late King, and esteemed one of the of the whig-party. His acknowledged merit rendered his resigning the seals, which he did in the month of May this year, very disagreeable to many of his Majesty's friends; and though no open breach had been declared between him and the minister, yet it was thought by the public, he was laid under a kind of necessity to take that step. With the seals he also resigned the lord-lieutenancy of the county of Norfolk, which was given to his son, as was also the place of master of the jewel office. His lordship, during the late and the present reign, was considered as the chief conductor of foreign affairs, and the minister's enemies considered his resignation as being a prelude to a total alteration in the ministry. But they were deceived, for he was succeeded in the seals, by William Stanhope, lord Harrington, whose experience in foreign affairs, rendered the resignation of lord Townshend the less alarming either to the public or the minister." Tindal.

"The same day on which the House was prorogued, Townshend resigned. Lord Harrington was appointed Secretary of State, Henry Pelham Secretary at War, and the Privy Seal was given to the earl of Wilmington, on whose assistance opposition had relied with the most perfect security. In a few months after, he was created lord president of the council, which high office he held till the removal of sir Robert Walpole. The charge of foreign affairs now ostensibly devolved on the duke of Newcastle and lord Harrington, whose characters form a remarkable contrast, though they acted together with the utmost cordiality." Coxe's Walpole.

Then the Lord Chancellor, by his Majesty's command, prorogued the Parliament to the 14th of July. It was afterwards farther prorogued to the 21st of January 1731.

FOURTH SESSION
OF THE
SEVENTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on Opening the Session.] January 21, 1731. The King came to the House of Peers, and the Commons attending, his Majesty made the following Speech:

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"My Lords and Gentlemen;

"You cannot but be sensible, that the measures formerly taken, and the conclusion of the Treaty of Seville, have prevented and disappointed the dangerous consequences that were so justly apprehended from the Treaty of Vienna; and we do not only see that union dissolved, which had alarmed all Europe, but the allies of the Treaty of Hanover strengthened by the additional power of the crown of Spain.

"This situation of affairs gave us a reasonable prospect of a general pacification, and just hopes of seeing the conditions of the Treaty of Seville complied with, without the necessity of coming to extremities; and no endeavours have been wanting, conformable to my engagements with my allies, to obtain that happy end. But this desirable event having been hitherto delayed, the Treaty of Seville lays an indispensible obligation upon all the contracting parties to prepare for the execution of it; and we must be in readiness to perform our part, and, by continuing to pursue the proper measures, convince our allies, that we will faithfully fulfil our engagements, and, as far as shall depend upon us, procure the satisfaction due to them, either by such means as shall be most eligible, or by such as shall be found absolutely necessary.

"The present critical conjuncture seems in a very particular manner to deserve your attention; and you need not be told, with what impatience the resolutions of this parliament are every where waited for and expected.

"I am incapable of attempting to influence your proceedings by groundless fears and apprehensions, and as incapable of amusing you with vain hopes and expectations; but as the transactions, now depending in the several courts of Europe, are upon the point of being determined, the great event of peace or war may be very much affected by your first resolutions. The continuance of that zeal and vigour, which you have hitherto shewn, in support of me and my engagements, must, at this time, be of the greatest weight and importance, both with regard to my allies who cannot think their interest and the common cause neglected, before the conditions of their treaties are accomplished; and with regard to those, who may be disposed, before the season of action is come, to prevent, by an accommodation, the fatal consequences of a general rupture, which they will have little reason to apprehend, if they find the allies of Seville not prepared to do themselves justice.

"The plan of operations for the execution of the Treaty of Seville by force, in case we shall be driven to that necessity, is now under consideration; and until the proportions of the confederate forces, and the proper dispositions for employing them, shall be finally adjusted and agreed upon, it will not be easy to determine how far the expences, necessary for the service of the ensuing year, may, or may not, exceed the provisions made for the service of the last year.

"In the mean time, I am persuaded, you will go on to give all possible dispatch to the public business; and if it shall be necessary, I shall not fail to ask the further advice and assistance of my parliament, according to the circumstances of public affairs, and as soon as any proper occasion shall require it.

"Gentlemen of the House of Commons;

"I will order the proper Estimates to be prepared and laid before you; and I can make no doubt, but that dutiful regard which you have always shewn to me and my honour, and your just concern for the true interest of your country, will induce you to grant me the necessary Supplies, and enable me to make good my engagements with my allies, with that chearfulness and affection, which becomes a British House of Commons, tender and jealous of the honour of the crown, careful and solicitous for the glory and prosperity of the kingdom.

"My Lords and Gentlemen;

"The time draws near, which will admit of no farther delays. If the tranquillity of Europe can be settled without the effusion of blood, or the expence of public treasure, that situation will certainly be most happy and desirable: But if that blessing cannot be obtained, honour, justice, and the sacred faith due to solemn treaties, will call upon us to exert ourselves, in procuring by force what cannot be had upon just and reasonable terms."

Debate in the Lords on the Address of Thanks.] The King being withdrawn,

The Duke of Devonshire moved for an Address of Thanks, and to assure his Majesty, that they would enable him to make good his engagements: hereupon

The Lord *Carteret* moved for a Clause to be added to the Address, viz. Humbly to beseech his Majesty, not to enter into any measures for carrying on a war against the emperor on the Rhine, or in Flanders. His lordship was seconded by the earls of Winchelsea and Strafford.

To this it was answered by the dukes of Newcastle and Argyle, That though they knew no intention of a war on the Rhine or the Netherlands, yet the telling the emperor where he must be attacked, and where not, was, in military affairs, the greatest absurdity, and would rather hinder than forward an accommodation: and that when the emperor came to hear of the zealous resolutions of the parliament, for enabling his Majesty to make good his engagements with his Allies for putting in execution the Treaty of Seville, his Imperial Majesty would be thereby induced to comply with the conditions thereof. Then the question being put upon the lord Carteret's motion, it passed in the negative by 84 against 23.

The Lords' Address of Thanks.] After this, the Address, as first moved by the duke of Devonshire, was agreed to: and the next day presented to his Majesty as follows:

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"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in parliament assembled, humbly beg leave to return your Majesty the Thanks of this House for your most gracious Speech from the throne.

"The many fatal consequences attending the Treaty of Vienna, which affected all Europe, but more particularly this nation, could only have been obviated by dissolving that dangerous union: this the measures formerly taken, and the conclusion of the Treaty of Seville, have not only accomplished, but have even joined one of the great contracting powers of the Treaty of Vienna, to the Allies of the Treaty of Hanover.

"Your Majesty having thus laid a sure foundation of the public tranquillity, if the just conditions of the Treaty of Seville were complied with, and having in pursuance of your engagements with the Allies, used all endeavours to obtain that happy end; it is highly our duty to persevere in that zeal for your Majesty's honour, and the public faith of the nation, that all the parties of that Treaty, who are under mutual and indispensible obligations for the execution of it, may find nothing wanting on the part of Great Britain.

"We therefore humbly beg leave to assure your Majesty, that the same zeal and vigour, which has hitherto appeared in this House, for the support of your Majesty and your engagements, shall continue to be so manifest, in all our proceedings, to the contending powers abroad, that there shall as little doubt remain, to the utmost of our power, of your Majesty's being fully enabled in all events to procure satisfaction to your Allies, if force should be necessary, as there is of your Majesty's known inclination, from a tenderness to your people, and concern for the peace of Europe, to prevent by any just accommodation the bad consequences of a general rupture.

"We shall, in the mean time, give all possible dispatch to the public business, and whenever your Majesty shall be graciously pleased to ask our farther advice and assistance, this House will come to such resolutions as become dutiful and faithful subjects, tender of the effusion of blood, and the expence of public treasure, but unalterably steady in maintaining the honour of the nation, and the sacred faith due to public treaties; ever mindful that we owe the enjoyment of our happy constitution to the settlement of the crown in your present Majesty's royal family, and contributing all that is in our power, that your Majesty may long wear it with ease and honour, undisturbed by enemies, at home or abroad."

The King's Answer.] To which his Majesty returned the following Answer:

"My Lords,

"I thank you for this dutiful and loyal Address. The enabling me to fulfil my engagements with my Allies in all events, will not only effectually secure and continue to my people the advantages stipulated for them by treaties, but may greatly contribute to the obtaining of a general Pacification."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, Mr. Speaker reported his Majesty's Speech, and thereupon a Motion was made for an Address of Thanks; "and to acknowledge his Majesty's goodness in endeavouring to have the Conditions of the Treaty of Seville fulfilled and executed, in such manner as might best secure a general Pacification, and be conformable to his engagements with his Allies; to declare their entire confidence in his Majesty's care and concern for the honour and interests of his people; and their perfect reliance upon his wisdom and justice, in doing every thing that shall depend upon him, to procure the satisfaction to his Allies, by such means as shall be most desirable, or absolutely necessary; to express their firm resolution to continue their utmost zeal and vigour, in support of his Majesty and his engagements; and to assure his Majesty, that they would give all possible dispatch to the public business, as it should from time to time be brought before them; and that from a dutiful regard to his Majesty's honour and dignity, and a just concern for the true interest of their country, which they should always look upon as indispensible and inseparable obligations, they would grant to his Majesty such Supplies as should be necessary for the service of the ensuing year; and effectually enable his Majesty to make good his engagements with his Allies: and in return to his Majesty's goodness, in avoiding to bring any unnecessary burthens upon his people, to assure his Majesty, that in case the circumstances of affairs should oblige his Majesty to ask the farther advice and assistance of that House, they would upon every occasion discharge their duty to his Majesty and those they represent, with that cheerfulness and affection which became a British House of Commons, tender and jealous of the honour of the crown, and careful and solicitous for the glory of the kingdom."

This motion was opposed by Mr. Daniel Pulteney, Mr. William Pulteney, and sir William Wyndham, who were for leaving out most part of the motion in order to make the Address general; and for desiring his Majesty to take care, that no war should be carried on in Flanders or upon the Rhine. The Arguments they offered in support of this Amendment were, That according to the ancient Parliamentary method, all Addresses were general: that our ancestors never were so complaisant as to declare their sense of things, until the particulars came regularly before them: that the making of an Address in terms so particular as those now proposed, looked like an immediate determination of all the points likely to come before them, which was in effect bringing the business of the whole session into the resolves of one day, and proceeding to determine with

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out either proofs or reasons for such determinations: That the promising now to support his Majesty in all his engagements, without knowing what those engagements were, seemed to be determining, that they would support him before any reason could be offered for such a determination; for no other reason could be offered, than that they were all just and reasonable, which no man could say before he knew what they were: That every gentleman in that House, must remember very well the great expence of blood and treasure, which it had cost this nation to reduce the exorbitant power of France, which by the impolitic measures of former times had been allowed to rise to such a height, that it began to threaten the liberties of all Europe: that our joining with France, and attacking the emperor in Flanders, or upon the Rhine, would naturally throw Flanders and perhaps a part of Germany, into the hands of the French; by which that monarchy would again become terrible to Europe: that French alliances, through the unfaithfulness of that people, and their inveterate malice to us, had always proved destructive to the interest and trade of this nation; and the use they had always made of a correspondence with us, was to encourage arbitrary designs in our princes, and that therefore it had generally proved fatal for any King, or ministry of England, to enter cordially into any friendship or correspondence with them: that we might learn, from the histories of former times, what faith could be given to French promises or French engagements: that even at present we may see, that they have taken advantage of the late precarious situation of the affairs of Europe, and of the confidence we have reposed in them, and from thence have presumed to clear and restore the harbour of Dunkirk, and to incroach upon our settlements in the West-Indies: that from their present management we may judge, how much their friendship is to be depended on; we may see that we must pay dear for any superficial favours they are pleased to vouchsafe to us, or to any of our Allies: that prosecuting a war either in Flanders or upon the Rhine, in conjunction with the French, could tend to nothing but the ruin of that balance of power in Europe, which with difficulty we had at last established, after a ten years bloody and expensive war, crowned with many glorious victories, and attended with a most surprizing success: that in the present conjuncture of the affairs of Europe, the balance of power by our being beaten might suffer; by our being victorious, it would be entirely destroyed and lost perhaps for ever.

In answer to this, sir Robert Walpole, Mr. Horatio Walpole, lord Hervey, and sir William Yonge, urged, That the making of the Address in terms so very general, seemed to be shewing a sort of diffidence in his Majesty's conduct and management: that his Majesty, ever since he came to the throne, had always been so careful of the interests of the nation, that no member of the House had any reason to harbour the least suspicion of his Majesty's measures: that as to the other part of the amendment relating to the war in Flanders or upon the Rhine, they agreed, that it was not for the interest of Europe, that any part of those countries should fall into the hands of the French: that his Majesty would without doubt, according to his wonted prudence, take all proper care to prevent any such consequence: and that the putting such words into the Address would look like an encroachment upon the prerogative of the crown, and a directing of the operations of the future war, if any should happen, which they hoped would not; for that they had good reason to believe, that the measures already concerted would produce a pacification: that the principal design of the great alliance formed against the emperor was to convince him, that if he did not come into the peaceable measures proposed he would be so powerfully attacked upon all sides, that it would be impossible for him to resist; which design would be entirely frustrated, if they should declare at the beginning, that he was not to be attacked in Flanders or upon the Rhine, these being the only two places in which he was vulnerable; for that in Italy he could make himself superior to the whole alliance, since he was already in possession of that country, and could pour in what troops he pleased by unexpensive land marches, whereby he might fill the whole country with his numerous body of horse; which, being master of the open country as well as of all the fortified places, he might easily subsist, whilst the troops sent by the Allies to attack him in Italy, in order to force him to a compliance with the terms of the treaty of Seville, must be both transported, and supported by sea; it being well known to all who understand any thing of the geography of Italy, that it is impossible to force a passage by land into that country, when it is provided with a powerful and well disciplined army to oppose the entry of an enemy: that therefore it would be very impolitic to put any such words into their Address, because it would persuade the emperor that the allies had come to a resolution not to attack him in Flanders or upon the Rhine, which, by taking away all grounds of fear from the court of Vienna, would make them presevere, in refusing to enter into any peaceable measures: whereby those alliances which had been procured with so much expence and labour, would be rendered fruitless and of no effect, and consequently a pacification would become altogether impracticable.

Then another Amendment was offered by Mr. Wyndham, member for Sudbury, viz. 'That they would support his Majesty's Engagements, so far as they related to the interest of Great Britain.' This Motion was seconded by Mr. Pulteney and those gentlemen who were for the first Amendment: In support thereof it was alledged, 'That this was agreeable to the act of settlement, whereby it is expressly provided;' That this nation shall not

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'be obliged to enter into a war for the de-'fence of any dominions not belonging to the 'crown of Great Britain:' That by virtue of this act his Majesty held the crown of these realms; and that therefore every clause and proviso thereof was to be exactly observed, except in so far as they had been or should be altered by parliament; and that therefore the House could not well, by way of Address, go any farther than to say, that they would support his Majesty's engagements, in so far as they related to the interest of Great Britain.

To this it was replied by Lord Hervey, Sir Robert Walpole, and those other members, who were for the motion as at first proposed, 'That such an expression in their address would seem to insinuate that his Majesty had entered into engagements that did not relate to the interests of Great Britain, which would be the greatest ingratitude that could be imagined towards his Majesty, who in all his measures had never shewed the least regard to any thing but the interests of Great Britain, and the ease and security of the people thereof, as all those who had the honour to serve him could testify, and upon their honour declare: that they hoped every member of that House was convinced, that his Majesty never would enter into any engagement that was not absolutely necessary for procuring the happiness and insuring the safety of his people, and therefore it was quite unnecessary to confine the words of their Address to such engagements as related to the interest of Great Britain.' Upon this occasion,

Mr. *Heathcote*, member for Hindon, said, That with respect to the prerogative, he did not think, that the giving of advice to his Majesty could ever be called an interfering with the prerogative of the crown, since it was the proper business of Parliament, which was the King's great council, to advise the crown in all matters of importance; and it was what many parliaments had done, and what they were always obliged to do: that the acting against the emperor, in Flanders or upon the Rhine, was absolutely destructive to the interest of England, and inconsistent with that political maxim of maintaining a balance of power in Europe, as had been acknowledged by all the gentlemen who had spoke in the debate; therefore he thought he had good reason to believe, that no minister would dare to advise his Majesty concur in such a measure; for which reason there was no need of advising his Majesty to against a measure, which it could not be supposed he would take: that in order to procure the long wished-for peace, it was necessary to convince the world, that they would join heartily with his Majesty in all proper measures for that end, which they could not more effectually do, than by shewing an unanimity in their resolves at the beginning of the session of parliament: that such an unanimity would certainly have its weight abroad, it would encourage our allies, it would terrify our enemies, and make both attentive to such proposals as his Majesty should think proper to make to them; and it would testify to the world their zeal for the support of the present happy establishment: That for his part, he looked upon all Addresses to be in their own nature general, and that no words which could be put into an Address could any ways influence the future resolutions of parliament: He looked upon them only as words of course, and no more obligatory than the penal words of a bond, which every one knows obliges the debtor to the payment of nothing more than the principal sum borrowed, with interest and costs of suit: that the declaring in the Address, that they would support the King's engagements, necessarily implies that such engagements do relate to the interest of England; and if afterwards it should appear, that any one of them did not, he would not at all think himself obliged by the general words of the Address to approve of, or support any such engagement: that he believed he should vote for an Address in the terms as at first proposed, but that his voting in that way might not be construed so as to anticipate his assent to any thing thereafter proposed, he thought it proper to declare, that by supporting his Majesty's engagements, he neither meant to agree to the continuing of the Hessians in the pay of Great Britain; nor to approve of submitting tamely to the depredations of the Spaniards, nor of allowing them to blockade Gibraltar; nor did he approve of submitting passively to the incroachments of the French in the West Indies; or to the opening the port and harbour of Dunkirk; nor would he from thence think himself obliged to approve of any measure, which he should not at the time of proposing think expedient, and consistent with the real and true interest of Great Britain: that by assuring his Majesty, that the House would support his engagements, he meant to support no other engagements, than such as the House should judge to be for the advantage of the nation: that for his part, he was very sure that his Majesty would enter into none but such as were so; and if it should appear that any other sort of engagement had been entered into, he would take it to be an engagement of the Minister's, and not an engagement of the King's; and consequently that the words of the Address did not oblige the House, or any member of the House, to support the same in any manner of way. For these reasons, he was of opinion, That the Address ought to be in the terms first proposed.

Sir Joseph Jekyll and several other members declaring that they understood Addresses in the same manner, the question was put, and it passed without a division, to address his Majesty in the terms first proposed without any amendment.*

* "There was a debate upon the address, which lasted till nine o'clock, but ended without any division. After the motion for the address was first moved and seconded, a few

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The Commons' Address of Thanks.] Hereupon, a Committee was appointed to draw up an Address accordingly, and the same being drawn up, and reported next day to the House, was agreed to, and presented to his Majesty by the whole House as follows:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, beg leave to return our sincere thanks for your Majesty's most gracious Speech from the throne.

"We cannot but in gratitude acknowledge your Majesty's goodness, in endeavouring to have the conditions of the treaty of Seville fulfilled and executed in such manner as might best secure a general pacification, and be conformable to your engagements with your allies.

"And out of a just sense of the blessings we enjoy we think it our duty to declare our entire confidence in your royal care and concern for the honour and interest of your people, and our perfect reliance upon your Majesty's wisdom and justice, in doing every thing that shall depend upon you to procure the satisfaction due to your allies, by such means as shall be most desirable; or, if they prove ineffectual, by such as shall be absolutely necessary.

"We are firmly resolved to continue our utmost zeal and vigour in support of your Majesty and your engagements; esteeming this the least part of our duty, when we consider, that those engagements are the effect of your vigilance for the welfare of your subjects.

"We assure your Majesty, that we will give all possible dispatch to the public business as it shall from time to time be brought before us: That as your people feel the happiness of your reign, so your Majesty may feel the ease of it. And from a dutiful regard to your honour and dignity, and a just concern for the true interest of our country, which we shall always look upon as indispensible and inseparable obligations, we have the greatest satisfaction in assuring your Majesty, that we will, with all chearfulness, grant such supplies as shall be necessary for the service of the ensuing year; and effectually enable your Majesty to make good your engagements with your allies.

"Your Majesty's goodness to your people is very apparent in your avoiding to bring any unnecessary burthens upon them: and it is the least return we can make for it, to assure your Majesty, that in case the circumstances of public affairs shall oblige you to ask the farther advice and assistance of your faithful Commons, we will, upon every occasion, discharge our duty to your Majesty and those we represent, with that cheerfulness and affection which become a British House of Commons, tender and jealous for the honor of the crown, careful and solicitous for the glory and prosperity of the kingdom."

The King's Answer.] To this his Majesty returned the following Answer:

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members made some short speeches to declare their several opinions, though there was no great spirit of opposition, or appearance of any having been concerted by the enemy, till sir W. Windham got up and made a motion for an additional paragraph to the following effect; "assuring ourselves that his Majesty would concert such measures with his allies as might prevent a war on the Rhine, or in the Austrian Netherlands, the preservation of which, in the hands of the present possessors, was of such consequence to this nation, and had formerly cost us so much blood and treasure." A motion of this kind, half nonsense, and wholly absurd, your lordship will easily imagine did not meet with great success, but out of complaisance to sir W. Windham it was treated more seriously than it deserved. He was supported in it, though faintly, by Shippen, Plummer, and W. Pulteney, who made a very long incoherent speech, and with no great applause from his friends. He began with condemning all the treaties that have been made since the late king's accession, except one made this last year by the board of Trade with some Indian kings, which he thought must be a good one, and was liked by the Indians, for that they had, on that occasion, entertained the commissioners with a song and a dance. He declared, in as strong and positive a manner as possible, that it was his opinion, the two dutchies of Bremen and Verden had been the foundations of those bad treaties, all which he would have publicly burnt in the Palace-yard, and were the real source of all the present disputes in Europe. As to the speech and address, he said, they were of a piece with all the others for these four or five years past, and that he could not help comparing the method that the ministry, whom he called a committee of administration, followed in the drawing them up at the beginning of every sessions, to a committee of the House of Commons, where the Chairman says, that they had made some progress, and asks leave to sit again.

"Mr. Walpole, after having very handsomely confuted all that Pulteney had advanced about the foreign negotiations, in answer to that witty simile, said that as the minister had not yet left the chair, they need not ask his (Pulteney's) leave to sit again. Tom Wyndham, in order to shew a true spirit of patriotism, proposed that, after the word 'engagements,' the words 'so far as 'they relate to the interest of Great Britain,' should be inserted; but as they were equally absurd with the first motion, they met with the same fate. This is the substance of the debate, and as much as I can remember worth troubling your lordship with. Whether the enemy had nothing to say, or were not prepared, I know not, but a more pitiful figure they never made, nor greater joy and triumph ever appeared among our friends." Thomas Pelham to the Earl of Waldegrave: Coxe's Walpole.

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"Gentlemen,"

"I return you my hearty thanks for this dutiful and loyal Address. The zeal and affection you express for me, and the assurances you have given me of enabling me to make good my engagements with my allies, will, I am persuaded, have a very good effect at this critical and important conjuncture."

A Bill brought in to prevent Pensioners from Sitting in the House of Commons.] February 1. The Commons ordered, on the motion of Mr. Sandys, That leave be given to bring in a Bill, for making more effectual the laws in being for disabling persons from being chosen Members of, or sitting or voting in the House of Commons, who have any Pension during pleasure, or for any number of years, or any office held in trust for them.

Feb. 2. The said Bill was accordingly brought in and read the first time.

Debate in the Commons concerning the Hessian Troops.] Feb. 8. The House, in a grand committee on the supply, considered of the Estimate of the charge of the Hessian Troops: upon which there ensued a warm debate. The country party were against continuing those troops in our pay, because they apprehended that they could not be of any service to Great Britain, for as we were surrounded by the sea, our fleet was our only real and proper security; and therefore we had no use for the maintaining of Standing Armies either at home or abroad, more particularly at a time of perfect tranquillity: They alledged, That if the apprehension of a war being speedily to break out should be made an argument for keeping foreign troops in our pay, we could never be without them; for Europe never was, nor never could be in such circumstances, as that it could be said, there was no reason for having any apprehension of a war: That many wars might happen upon the Continent with which we had nothing to do; and if we should at any time have the misfortune of being involved in any war, it was then time enough to take foreign troops into our pay, but till then there was no necessity for it, for we should always find troops enough in Europe to hire, whenever we had occasion for them: That therefore the keeping of such troops in pay at present, when we had no occasion for them, was a wasting of the public money, which every man, who has any regard to the interest and welfare of his native country, ought to prevent as far as lies in his power.

To this it was answered by the Courtiers, That though we were disjoined by the sea from the continent of Europe, yet as long as we had any trade or communication with any of the countries upon the Continent, we could not help being involved in some of their quarrels, as well as having quarrels of our own with some of them: That by means of our influence upon the affairs of the continent we had got a great many advantages in trade, and in order to maintain those advantages we had got, we were obliged from time to time to interfere in the quarrels among foreign princes: That some of the countries of Europe had so little communication with the sea, that they were entirely out of the reach of our fleet, and therefore, in case they laid the trade of our subjects in their dominions under any hardships or inconveniencies, or offered us any other injury or indignity, we had no other way of righting or revenging ourselves, but by getting some of their powerful neighbours and rivals upon the continent to engage in our quarrel, which we could never procure without engaging in some of theirs: That this consideration first brought on the treaty of Hanover, and obliged us to take the Hessian Troops into our pay: That such measures prevented the fatal effects of the Treaty of Vienna between the emperor and Spain, and at last brought about the Treaty of Seville, by which Spain was effectually disunited from the emperor; but that in order to do this, we were obliged to enter into some new engagements with Spain, by which we had bound ourselves to see 6000 Spanish troops introduced into Italy, to secure the eventual succession of the Infante Don Carlos to the dutchies of Tuscany, Parma, and Placentia: That the Emperor not only refused to consent amicably to the introduction of those Spanish troops, but had filled Italy with his troops, in order to repel the Spaniards by force, in case we and our allies offered to introduce them without his consent: That we had already seen the good effects of having those Hessian troops in our pay; and the continuance of them might probably have such an influence upon the Emperor, as at last to induce him to agree to reasonable terms; whereas, if we should now dismiss them, it would free the Emperor from all fears of being attacked upon that side: That thereupon he would become more obstinate, and his obstinacy would certainly involve Europe in a general war, which would cost us a great many millions; so that they could not but look upon dismissing the Hessian troops, at this time, as a very unreasonable and foolish piece of thrift, because we thereby run the great risk of losing millions, for the sake of saving a year's subsidy to those troops.

Then the question being put, it was resolved, "That 241,259*l.* 1*s.* 3*d.* be granted to his Majesty, for defraying the expence of 12,000 Hessians taken into his Majesty's pay, for the service of the year 1731."

A Petition from several Bristol Merchants trading to America, complaining of the Spanish Depredations.] Feb. 6. A Petition of the Merchants and other traders of the City of Bristol, trading to his Majesty's colonies in America, was presented to the House, complaining of the great interruptions of their trade to the said colonies, and the Depredations of the Spaniards for several years past: who, notwithstanding the Resolutions of that House, and his Majesty's endeavours to obtain for his subjects just and reasonable satisfaction, still

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continued their depredations, and had lately taken and plundered several ships and vessels belonging to Bristol and other British ports, and had treated such as had fallen into their hands in a very barbarous and cruel manner, and therefore praying the consideration of the House, and such timely and adequate remedy as to the House should seem fit.

This Petition was referred to a Committee of the whole House.

Debate concerning the Subsidy to the Duke of Wolfenbuttel.] Feb. 10. The Commons resolved itself into a Committee of the whole House, to consider farther of the Supply granted to his Majesty, when a Debate arose about the Subsidies payable to the duke of Wolfenbuttel. The Country Party insisted that all those Subsidies were of no service to Great Britain; and that they were paid only for the sake of protecting his Majesty's foreign dominions, which was contrary to the following clause in the Act of Settlement; viz. 'That in case the crown 'shall come to any person not a native of Eng-'land, this nation shall not be obliged to a war 'in defence of dominions not belonging to this 'crown.' To this the Courtiers answered, That all the quarrel we had with the Emperor was upon account of the interest and trade of England, and not at all on account of any of his Majesty's foreign dominions; so that if they should be involved in a war, it would be so far from involving Great Britain in any war upon account of them, that the case would be directly the contrary; they would be involved in a war for defence of the trade and commerce of Great Britain: that since we had a quarrel with the Emperor, who was a very powerful prince upon the continent, we had no way of revenging this quarrel, but by engaging as many princes upon the continent as we could on our side; and that therefore it was necessary to continue those subsidies till we could bring the Emperor to our terms.

Then the question being put, the Committee agreed to the continuing of this Subsidy, and resolved, That the sum of 25,000*l.* be granted to his Majesty, for one year's Subsidy to the duke of Brunswick Lunenburgh Wolfenbuttel.

Petitions against the Proceedings at Law being in Latin.] Feb. 11. Two Petitions were presented to the Commons, from the quarter-sessions of the peace held for the East and North Ridings of Yorkshire, complaining, "That the obliging Grand-Jury-Men, at the sessions of the peace, to make their presentments in a language, which few of them understood; and the suffering in any of the Proceedings of the Courts of Justice, or in any of the transactions of the Law, whereby the person or property of the Subject may be affected, the use of a Language not intelligible and of a character not legible, but by the Learned in the Law, were great occasions of the delay of Justice, and gave room to most dangerous Frauds: That Special Pleadings, by their intricacy and dilatoriness, rendered the prosecution of the Rights of the Subject difficult and expensive: That the Recovery of small Debts, as the law then stood, was impracticable, and the number of Attornies excessive; and praying the House to take these Grievances into consideration, and to give such remedy as to the House shall seem meet."

These Petitions were ordered to be referred to a Committee.

The Pension Bill passes the Commons.] Feb. 17. The Pension Bill was read the third time and passed; and Mr. Sandys was ordered to carry it to the Lords.

Debate in the Lords on the Bill against Pensioners sitting in the House of Commons.] Feb. 20. A Bill from the Commons 'For 'making more effectual the Laws in being for 'disabling Persons from being chosen Mem-'bers of, or sitting or voting in the House of 'Commons, who have any Pension during 'pleasure, or for any number of years, or any 'offices holden in trust for them, by obliging 'persons hereafter to be chosen to serve for 'the Commons in parliament to take the oath 'therein mentioned,'* was read the first time, and ordered to be read a second time on the 2nd of March.

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* The following is a copy of the said Bill:

"May it please your most Excellent Majesty,

"That it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present parliament assembled, and by the authority of the same, That from and after the 24th day of June, 1731, no person who shall be elected a member to serve in the House of Commons, shall vote or sit in the said House, during any debate there, after their Speaker is chosen, until such member shall from time to time, and in manner following, first take the oath hereinafter mentioned, and subscribe the same in a parchment roll, to be provided by the clerk of the House of Commons for that purpose, viz.

"'I A. B. do solemnly and sincerely swear, 'that I have not directly or indirectly, any 'pension during pleasure, or for any number 'of years, from the crown, nor any office in 'part, or in the whole, from the crown, held 'for me, or for my benefit, by any person what-'soever: And I do solemnly and sincerely 'promise and swear, that I will not receive, 'accept, or take, directly or indirectly, during 'the time of my being a member of this par-'liament, any pension during pleasure, or for 'any number of years, or any other gratuity or 'reward whatsoever, or any office from the 'crown, to be held for me, or for my benefit, 'in part, or in the whole thereof, by any per-'son whatsoever, without signifying the same 'to this House, within fourteen days after I 'have received or accepted the same, if the

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Accordingly the Bill, being then read a second time, occasioned a great debate. The dukes of Newcastle and Argyle, and the earl of Ilay, who opposed the Bill, urged, That in case such a Bill should pass into a law, it would not be in the power of the crown to reward those who had done signal services to the public, without at the same time disabling them to serve their country as members of the House of Commons, which was most unreasonable; for a man who had before served the public so well, as to deserve not only the thanks of the people, but a reward from the crown, was in their opinion the most proper person to be entrusted by the people in Parliament: that many of those posts that are for life required so close an attendance, that the persons who enjoyed them could not stay for any time at London, or attend the business of parliament; and that there were many other places, the possessors of which were by the laws then in being disabled from being members of the House of Commons: That the variety of the public business made it necessary to employ so many gentlemen of character and education, that it was not in the power of the crown to provide sufficient rewards for all those who had served the public faithfully in their respective stations, without giving Pensions to some, till an opportunity offered for providing better for them; and it would be hard to exclude any man, from serving his country in parliament, only because the crown, which was the distributer of public rewards as well as punishments, had shewn a due sense of his past services; That such a method would be a depriving the public of its most faithful servants, which would tend to the destruction of the commonwealth in general, instead of contributing to the support of the liberties of the people.

They further said, That they could find no sufficient provision in the Bill then before them for preventing Bribery and Corruption, which was the evil they intended to guard against; for no good man would take a bribe from any minister with an intention to betray his country; any man that would do so must be an abandoned wretch, and every one knew how little regard such men had for any declaration upon oath, where no witnesses could be brought to prove the contrary of what they swore: so that, in their opinion the Bill as it then stood might give occasion for a great deal of perjury, without contributing in the least to prevent the evil it was intended against; and therefore they could not but be against a Bill, which they foresaw might do a great deal of mischief, without doing the least good.

'parliament be then sitting, or within fourteen 'days after the next meeting of the parliament. 'So help me God.'

"Which said oath shall be in this and every succeeding parliament, solemnly and publicly taken and subscribed by every such member of the House of Commons, at the table in the middle of the said House, at the same time that he takes the other oaths by law directed to be taken, whilst a full House of Commons is there duly sitting with their Speaker in his chair.

"And be it further enacted, That if any member so taking the oath, and subscribing as before directed, shall, at the time of the taking the said oath, have any pension during pleasure, or for any number of years, or any office from the crown, in part, or in the whole, held in trust for him, or for his benefit, or shall, during his being a member of parliament, accept, receive, or take any pension during pleasure, or for any number of years, or any other gratuity or reward whatsoever, or any office in part, or in the whole, to be held for him, or for his benefit, from the crown, without signifying the same to the House, as aforesaid, such member shall be, and is hereby adjudged and declared to be guilty of wilful and corrupt perjury, and being thereof convicted by due course of law, shall incur and suffer the pains and penalties which by the laws and statutes of this realm are inflicted in cases of wilful and corrupt perjury, and shall from thenceforth be incapable of taking, holding, or enjoying any office whatsoever.

"And be it further enacted, That if any member elected as aforesaid, shall refuse or neglect to take and subscribe the oath as before directed, the place for which such member was elected, is hereby, without any other conviction or proceeding, declared void to all intents and purposes, as if such member was naturally dead.

"And be it further enacted, That in case any member shall presume to sit or vote in the House of Commons, after the Speaker is chosen, without taking and subscribing the oath herein before mentioned, such member shall forfeit the sum of 30*l.* for each day he shall sit and vote as aforesaid, to be recovered and received, with full costs of suit, by him or them who shall sue for the same, and to be prosecuted by any action, suit, bill, plaint, or information, in any of his Majesty's courts of record at Westminister, wherein no essoin, protection, wager of law, or more than one imparlance shall be admitted or allowed; and shall from thenceforth be incapable of taking, holding, or enjoying any office or employment of profit or trust under his Majesty, his heirs or successors.

"Provided always, and it is hereby declared and enacted by the authority aforesaid, That no person shall be made liable to any disability, incapacity, forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within one year next after the dissolution, or other determination of the parliament in which such disability, incapacity, forfeiture, or penalty shall be incurred; or, in case of a prosecution, unless the same be carried on without wilful delay, any thing herein contained to the contrary notwithstanding."

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The Bishop of *Bangor* spoke against the Bill. His lordship alledged, That though this Bill at first sight seemed to be a Self-denying Bill; and, to some particular members might perhaps prove so: yet he suspected the Commons, considered as a House of Parliament, would find in it a very great enlargement of power: That whatever tends to break the balance between the powers essential to this constitution, must sooner or later prove the ruin of the whole, that an independent House of Commons, or an independent House of Lords, was as inconsistent with our constitution, as an independent, that is, absolute King: That whoever loves the liberties and laws of his country, would no more desire to see one than the other. Let Bribery be punished, added his lordship, let Corruption be punished, but not by giving so much strength to one power of this constitution as shall make it able to overbear the rest. *

The Earl of Winchelsea, the Lord Carteret and Lord Bathurst spoke for the Bill, and insisted much upon the dangers accruing from Bribery and Corruption; they shewed that the Roman Common-wealth had been thereby ruined, and that the Roman emperors governed as arbitrarily and tyrannically, with consent and approbation of the Roman Senate, by the means of Bribery and Corruption, as if there had been no Senate at all: That the endeavouring to prevent corrupting the members of the House of Commons was doing no injury, or offering any affront to the crown; but, upon the contrary, it was providing for the honour and safety of the crown, for it was not to be supposed that the crown would ever bribe or corrupt the members of the House of Commons: That that House was the grand inquest of the nation, from whom the crown was to receive information of all the Complaints and demands of the people: That the safety of the crown

* The above Speech made a great noise in the town, and gave occasion to so many reflections thereon, as well ludicrous as serious, that some friends of the Bishop thought proper to vindicate him, in the following Letter published in the Daily Post-Boy, May 7, which may be looked on as a sort of counterpart to the Protest of the Lords:

"Extract of a LETTER from Cambridge, to a Gentleman at London, dated April 27, 1731, relating to the Pension Bill.

"If a great appearance of zeal against Bribery and Corruption were a certain sign of integrity, I should felicitate you upon your present state of purity. But he who cries 'stop thief' loudest, is not always the honestest man in the crowd. Knaves dare not, and honest men will not defend Corruption; and hence comes the general consent in such cases.

"But the present question is not, Whether Bribery is a bad thing, or no? Which neither the honest or dishonest part of the nation will dispute with you. The single point is, Whether the method proposed to stop Bribery, be an effectual method, and consistent with our constitution?

"To clear this to myself, and to know upon what grounds some of unblemished characters opposed a late bill, commonly called, 'A Bill against Bribery and Corruption;' I got with with some difficulty one of the printed Bills, with the blanks filled up. As I had heard that it related to places, pensions, and all 'rewards and gratuities whatever' from the crown, I read it in full expectation of finding every member of the House of Commons made incapable of taking or receiving in his own name, or in trust, any place, pension, reward or gratuity whatever. But to my very great surprize, I found nothing like it. The Bill creates no new incapacity; and, had it passed into a law, any member, notwithstanding, might have taken any reward, or any gratuity from the crown, which he could obtain. How, then, are Bribery and Corruption shut out?

"All that I can find in the Bill is this: Every member of the House of Commons is to swear to this effect, 'That he will not directly, 'nor indirectly, take or receive any reward or 'gratuity' (I will confine myself to this part of the Bill) 'from the crown, during the time of 'his being a member: or, that if he does re-'ceive any gratuity or reward, he will declare 'it to the House of Commons within fourteen 'days. If any member neglects or refuses to 'take this oath: or, if taking a gratuity or re-'ward afterwards, he does not declare it to the 'House, he is made subject to the pains and 'penalties of perjury, &c.' (The same provision extends to Places and Pensions.)

"The whole, you see, comes to this: The members may take what rewards, what gratuities they please, provided they declare what they take within fourteen days to the House of Commons.

"You, and every man must naturally ask, what is to be done in consequence of this declaration? To this question I can give no positive answer; for here the Bill stops short, and gives not the least intimation of the use to be made of this declaration: And yet can it be thought that no use is to be made of it, and that the whole Bill means nothing?

"Consider then, whatever use is to be made, it must be by the House of Commons only. There the declaration is to be made. And it would, I suppose, be a breach of privilege for any person in this kingdom to take cognizance of what passes there. Besides, the use must be discretionary and arbitrary; for there is nothing in the Bill to direct, much less to limit the use to be made of this declaration. Suppose now any House of Commons hereafter should refer the consideration of all such declarations to the Committee of Elections, there the merit of the person who receives, the view and design of the crown who gives the reward, must come in question; and though they should

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depended upon the affections of the people, and it being impossible to preserve their affections, without a thorough knowledge of their complaints and desires, it was therefore for the interest of the crown, that the channel, through which such information was to be conveyed, should remain pure and incorrupt.

They said, that Bribery and Corruption were

be judged of there, and determined with the same honour and justice (and I make no doubt but they would) that elections are, yet nevertheless I fear the consequence of erecting such a judicature would be injurious to the constitution.

"We have had several laws to render persons under certain circumstances incapable of offices of trust; but in all such cases, the incapacity rests upon the subject; the honour and dignity of the crown are saved, and not exposed to the censure and judgment of the people: I remember no law that leaves the crown at liberty to give, and sets up a judicature to condemn or approve the gift. I apprehend such a power in the subject to be absolutely inconsistent with our constitution; and that it is every where a branch of the supreme power; and that wherever it is placed, it must necessarily draw the supreme power to it. We have instances in our own history, when powers of this sort have been assumed; but never, I think, without ending in the ruin of the crown. Once too the House of Lords, by this and like methods, lost their very being; and is it to be wondered at, if they are jealous of every approach, every tendency to the same power in the House of Commons.

"You may think, perhaps, that I carry this matter too far; and that the Commons could have no such meaning as this. I am as willing to think honourably of the Commons of Great Britain as you are. But consider

"Laws are not to be made upon a presumption that men will be so honest as not to abuse them; nor is it enough to say, that they who propose the law, mean no harm by it. It must be considered, not only what is intended by a law at present, but also what use may possibly be made of it hereafter. And can any man pretend to say, that no House of Commons hereafter will ever ground any partial proceedings on this Bill? And if any House of Commons should, who can hinder them? It will be too late to complain, when the case happens; which, whenever it happens, will be remediless. In some instances it may be right to pass laws in hopes of good success, and with a view of repealing them, if they should not answer the end proposed: But, in the present case, where the consequence to be feared is a new power unknown to our constitution; a kind of supreme judicature to arise in the House of Commons; if such consequence should prove real, how shall the evil be cured? Do you think the law would be easily repealed? That the Commons would consent to give up the power, after they had found what strength it gave them? I am afraid not: And therefore Bills of this kind are not to be passed to try experiments; or upon probable presumptions that they may not be abused: For should the experiment miscarry, and the presumption fail, it might prove fatal to the constitution, and be an evil never to be removed.

"Consider farther, if this power should ever be allowed, how far it will extend. It must go to 'all rewards and gratuities whatever,' received directly or indirectly, by any member of the House of Commons. I think there is nothing in the power of the crown, to give or grant, but may be taken in under these general words. There are great offices in the kingdom, which, as the law now stands, do not disqualify those who hold them from sitting in the House of Commons. But if you consider them as rewards or gratuities given by the crown, (and what shall hinder their being so considered?) they must be affected by this Bill, and they who hold them, made subject to such scrutiny and discretionary judgment, as shall at any time, in consequence of this Bill, be exercised in the House of Commons.

"If the relation of a member is advanced to any office, it may be construed as a reward, indirectly at least, to the member, and he made answerable to the House under the suspicion of Bribery. And, considering how numerous the relations of the best families are, how often the subject stands in need of the favour of the crown for the pardon of offences, for the remitting of fines or forfeitures, for renewing leases, grants, patents, and the like; it will always be in the power of a majority to fix the guilt of Bribery upon those who are not in their favour, and either to turn such members out as corrupt men, or by the terror of such usage make them subservient to their own ends.

"There is little difference between a power to give places, and a power to approve or disapprove the gift of them by another. What must this power be in the hands of the Commons, joined to the sole right they claim of giving money, to the right of determining all disputed elections, to the right of calling to account every minister and officer in the kingdom, and to many other powers now and anciently exercised by the Commons? Must they not grow too great to be controuled or checked by the other branches of the legislature? And may they not in such a plenitude of power, think the House of Lords to be (what in such a case it probably would be) of no use? Should a republican spirit ever possess a House of Commons, invested with such uncontroulable power, (and what has been, may be again) how long could our ancient constitution, on which our religion, liberties and properties depend, subsist?

"Upon this view, which I have given you of the Bill, and its consequences, it will not be hard for you to apply properly the words of a learned prelate, (one too long, and too well known in this university, to be suspected here

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never to be dreaded, nor would ever be put in practice but by princes of an arbitrary and tyrannical disposition, or by wicked ministers who were resolved to plunder the nation, and would therefore give hundreds to such as would stoop to be their tools and agents, in order that they might squeeze thousands from the people: none but such wicked men would ever endeavour to bribe any man, or to prevail upon him to betray his trust; against such the people ought always to be upon their guard; by such even this nation had suffered, and therefore they had the more reason to take all possible care to prevent the like for the future: That though this Bill should pass into a law, the crown would still have power enough to reward those who had deserved well of their country; for there were Sinecure places enough in the kingdom, of honour and profit for life, to reward all those who had done any real service to their country, unless it was to be supposed, which they hoped would never be the case, that every man was to have a reward, who voted in parliament which ever way the ministers of the crown pleased to direct him: But that in case there should be any deficiency, the crown had it in their power to give such reward as they thought proper, by granting a Pension for life to the person who had done any signal service to the public, without subjecting him to any of the forfeitures or disabilities in that Bill or any former law contained; and those who had done any such signal service deserved a provision for life, in case they stood in need of it, and not to be left depending for their daily bread upon the whim of a minister or favourite.

That as to the method for preventing Bribery and Corruption proposed by the Bill then before them, they wished that any method more effectual could be contrived, but its not being in their power to contrive a method, which might be called an effectual and absolute bar to the great evil of Bribery and Corruption, was no reason why they should refuse the method that was, or any method that could be proposed: That they were sorry to find the sanctity of Oaths so much ridiculed and neglected, as they feared they were in the present age; but they hoped it could be no crime in them to lay a man under the necessity of being guilty of perjury, before he could be guilty of the other crime of betraying his country: Few men, they said, became

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to be a pleader for Bribery and Corruption) and to see upon what foundation, the apprehension therein expressed of an independency to accrue from this Bill, to the House of Commons, was grounded. As you may not perhaps have the said words at hand when you receive this Letter, I have transcribed them for you, from the paper in which they were lately communicated to the public.

"'For though this Bill at first sight seems 'to be a self-denying Bill; and to some particular members may perhaps prove so: Yet 'the Commons, considered as an House of 'Parliament, will find in it, I suspect, a very 'great enlargement of power. And whatever 'tends to break the balance between the powers 'essential to this constitution, must sooner or 'later prove the ruin of the whole. An independent House of Commons, or an independent House of Lords, is as inconsistent 'with our constitution, as an independent, that 'is, absolute King. And whoever loves the 'liberties and laws of his country, will no more 'desire to see one than the other. Let Bribery be punished, let Corruption be punished, 'but not by giving so much strength to one 'power of this constitution, as shall make it 'able to over-bear the rest.'

"I am well assured, these were the very words spoken by the Bishop. What think you, Sir, are they either empty sounds, or capable of the wicked construction that has been put upon them? I am, &c."

"Several answers to this Letter have been published, and a great deal said against it in private conversation; the sum of which is, that Bribery and Corruption is a crime so heinous and so pernicious, that no man will set up openly to defend it, or to oppose any method that is proposed for preventing it; but that those, who are secretly for supporting and encouraging Bribery and Corruption, give it a pretty new name, and call it a necessary dependence, in favour of which new name they use all the arguments they can invent, though they are conscious to themselves, that the most infamous crime of Bribery is couched under what they call necessary dependence; and when any method is proposed for preventing their favourite vice, they endeavour to find out some hobgoblin or another privately lurking in the method proposed, with which they endeavour to frighten people out of their wits.

"Thus they say this Letter Writer has found out, that the House of Commons endeavoured by this Bill to grasp at a power, which in time would have made them supreme over the House of Lords as well as the crown; though from the very words of the Bill itself it will appear, as they say, to every impartial reader, that the House of Commons neither did acquire, nor could from any thing contained in this Bill, assume any other power, than that of putting the oath or receiving the declaration; and whether such a power could make that House so terrible to the crown, or to the House of Lords, they leave to every uncorrupted man to judge: Even this power, small as it is, if it had been obtained, might perhaps they say have made that House terrible to an ill designing prince, or a knavish minister; it was the glory of the English constitution that it had always been so, and it was the aim of that Bill, that it should always continue to be the terror of aspiring princes, and the scourge of rapacious ministers. While that House continues to be so, our constitution is preserved, but as soon as it loses that noble quality, it will become despicable, and our happy constitution will be at an end." Boyer's Political State.

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at once wholly abandoned, and the horror of being guilty of a false oath might perhaps have more weight with some men, than the horror of being guilty of a breach of trust, which is a crime of such a nature, that the guilt of it is not always apparent at the time it is committed: That even the most wilful betrayers of their country are seldom sensible of the fatal consequences of their treachery, till they find themselves involved in the ruin that they have brought upon their country.

The Earl of *Strafford* said, That though some men might be hardy enough to declare a falsity upon oath, where there was no man present, who, as they thought, knew the contrary, yet, he believed, no man would have assurance enough to declare upon oath, that he had no pension, in the very face of the man who paid him his money, and who, upon hearing such a declaration, must know and must think him a most abandoned villain; for no man could well bear to be thought or known a downright villain even by his greatest enemy, and far less by his bosom friend. And, in answer to the bishop of Bangor's argument, his lordship urged, That he was as far as any man from having the least thought of weakening that legal dependence, which each of the branches of our constitution had upon the other two, nor could they find any such tendency in the Bill before them: what they were for, and what every good Christian must be for, was all that was or could be intended by that Bill, and that was to prevent any pernicious and corrupt dependence of the House of Commons upon the servants or ministers of the crown: He insisted, That there was no clause in that Bill, that could ever give occasion to the House of Commons to assume any new or extraordinary power: That though it was provided by the Bill, that any member refusing to take the oath therein mentioned, should, by such refusal, forfeit his seat in parliament, it was only subjecting the member to a forfeiture, but giving no new power to the House, except that of administering the oath; for if the member had no Pension, he might freely take the oath, and if he had such pension, he was by former laws declared incapable of having a seat in parliament; so that all that was new in this Bill was only a new method of discovering whether or no a man was capable of being a member by the standing laws of the realm: That as to the other part of the Bill, whereby a member is obliged to declare to the House when he receives any Gratuity, &c. from the Crown, the House of Commons had no new power given them by the Bill, but only the power of receiving such declaration; for if the gratuity that he had received from the crown did not disable him from continuing a member by former laws, the House could not, by any clause in this Bill, proceed to determine that to be an incapacity, which was not declared so by former disabling laws; and whether a man be by law under any incapacity of being a member, was always under the proper cognizance of that House, and could not belong to any other judicature whatever: That it was not possible that ever the House of Commons could, from any words in that Bill, assume a power of judging or determining whether any person receiving a gratuity from the crown, deserved such a gratuity or no; or that they could draw any other consequences from such a declaration, but only to determine, whether the accepting of such a gratuity or reward came under any of the disabling laws in being; and without such declaration, wherever the House could prove that any man accepted of an office or gratuity, which subjected him to any legal incapacity, they were the judges, and could declare his seat in parliament vacant by the laws formerly enacted: so that in this case also all that was intended by the Bill then before them was, a new method of discovering whether any of their members had fallen under the description of any of the former laws for disabling persons from sitting or voting in the House of Commons: That these disabling laws were certainly thought reasonable, otherwise they would have been repealed: That the Incapacities introduced by these laws were necessary for the preservation of our constitution; and if the methods formerly provided were not sufficient for discovering of those incapacities, new methods must be contrived, which was the only intention of the Bill then before them.

The Pension Bill rejected by the Lords.] The debate being over the question was put, That the Bill be committed; which was resolved in the negative. Then the question being put, That the said Bill be rejected; it was resolved in the affirmative.*

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* "The opposition, during the recess of parliament, having perceived a great ferment in the nation, upon the rejection of the Pension Bill, resolved to repeat the experiment this session. The motion was introduced with great solemnity, and after passing with very little opposition through the House of Commons, was sent to the House of Peers, where it was thrown out. The then bishop of Bangor despising popular prejudices, and founding his speech upon the true principles of reason and the English constitution, had the courage to strip the motion of its masque of popularity, and expose its bad tendency to the view of the House.

"It is certain, that the reverend prelate consulted the lights of his own understanding, experience and reading, more than he did the mistaken, but general sentiments of the public, who took hold of his pleading against the independency of the two Houses upon the crown, as if he meant that they ought to be dependent upon the minister. But it is plain from the whole of his speech that he meant no more by the word independency, than that relation which the constitution prescribes to exist amongst all the constituent parts of the legislature, and which, if dissolved, the ruin of all must be the consequence, because it never

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Protest thereon.]

" Dissentient',

1. " Because the Reasons which were entered on our Journals last session* for the commitment, and against the rejecting of this Bill, can, in our judgment, have nothing of weight said against them, as we think they want little to be added to them; though they seem to us to be strengthened on this occasion, lest our second refusal to concur with the House of Commons in what solely regards their own members, and without any arguments offered to them in a parliamentary way for that refusal, should be looked upon by them as unkind, if not unprecedented treatment; and should, in the opinion of many disinterested lovers of our ancient frame of government, too justly create in them a resentment that might interrupt the harmony between the two Houses, which is necessary for carrying on the most important affairs of the nation.

2. " Because the Commons seemed to think this Bill is wanted; and, we are persuaded, it is earnestly desired by the people, and so wisely contrived, by a solemn and strict oath of purgation, to guard against secret corruption in that place, where, if ever it should be prevalent, its consequences would be most pernicious and extensive, that, we fear, we should be exposed to some uncharitable suspicions, if we did not, in this most authentic manner the constitution of parliament will allow, from a becoming zeal to hinder the infection of so mischievous an evil from spreading among others, give an undeniable proof that we are untainted with it ourselves.

3. " Because a member of parliament, who is not ashamed to accept a gratuity for any service which he is ashamed publicly to avow, must be conscious to himself, as we fear, that he is guilty of an immoral action: and therefore we conceive ourselves not only obliged in policy, but in conscience, to yield our assent to a Bill, that as far as we could apprehend upon the most mature and serious reflection, contains a proper expedient in this limited monarchy, to preserve both the innocence and independency of elected legislators, and that we had reasonable hopes would, in a great measure, have prevented the danger of an infamous breach of trust of the highest nature, reposed in every single member of the lower House, for the benefit of the whole community; which we think a crime that ought to be dreaded by us, as good patriots, and that we are bound to abhor as sincere Christians.

4. " Because we cannot, but with grief of heart, lament the loss of that opportunity which, by enacting this Bill into a law, we assure ourselves his Majesty would have embraced with particular satisfaction, of demonstrating to all his subjects, that he is incapable of suffering an improper use to be made, by any of his servants, of that large revenue which a parliament, liberal beyond any example of their predecessors, so cheerfully gave him; or of entertaining the least thought himself to the prejudice of the liberties or properties of his people, by any unjustifiable influence on their representatives.——*(Signed,)* Bruce, Berkshire, Northampton, Plymouth, Bedford, Foley, Gainsborough, Oxford and Mortimer, Willoughby de Broke, Gower, Maynard, Abergavenny, Strafford, Thanet, Warrington, Aylesford, Ancaster, G. S. Litchfield, Cadogan, Bristol, Coventry, Bridgwater, Abingdon, Boyle, Bathurst."

Petition from the Sugar Colonies in America.] Feb. 23. A Petition of several merchants, planters and others, trading to and interested in his Majesty's Sugar Colonies in America, was presented to the House in behalf of themselves and many others; complaining, " That divers of his Majesty's subjects, residing within his

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could be dissolved, unless one House should arrogate to itself powers inconsistent, not only with the general plan of public welfare, which the constitution lays down, but with that executive power which it vests in the crown, and without which, all operations of government cease.

" It must, however, be admitted, that his lordship happened to make use of an unlucky word, and it is incredible what use his speech was put to, in order to influence the public to believe that there was a settled design to unhinge the constitution, by making both Houses of Parliament dependent upon the minister. The Speech, torn into scraps, was hackneyed round the kingdom; and none of the common writers for the ministry had either understanding or knowledge of the constitution, sufficient to vindicate the speaker." Tindal.

" The bill against pensions produced a warm debate in the House of Lords, where it was violently opposed by the dukes of Newcastle and Argyle, the earl of Ilay, and Dr. Sherlock, bishop of Bangor. This prelate, in a remarkable speech, represented it as a scheme, to enlarge the power of the House of Commons, and to break the balance between the powers essential to the constitution, so as, sooner or later, to prove the ruin of the whole, The great barrier provided against bribery and corruption by this bill consisted in an oath to be imposed on all members of the lower House, by which they must have solemnly sworn and declared, that they had not directly, nor indirectly, any pension during pleasure, or for any number of years, or any office in part, or in the whole, held for them, or for their benefit, by any persons whatsoever; and that they would not accept any such pensions or offices, without signifying the same to the House within fourteen days after they should be received or accepted. The bill was vindicated as just and necessary by the earls of Winchelsea and Strafford, lord Bathurst, and lord Carteret, who had by this time joined as an auxiliary in the opposition." Smollett.

* See p. 794.

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dominions in America, and elsewhere, had of late years carried on a trade to the foreign Sugar-Colonies in America, from whence they were supplied with sugar, rum, molosses, and their other productions, instead of those from our own colonies, as well as with foreign European goods and manufactures, contrary to the intention of the laws in being, and the Treaty made with France in 1686; and as that new method of trade encreased and enriched the colonies of other nations, so it was injurious to the trade of this kingdom, and greatly impoverished the British Sugar-Colonies; and therefore the Petitioners prayed the consideration of the House, and such relief as the House should think fit." This Petition was referred to the consideration of a Committee.

Petition of the Liverpool Merchants complaining of the Depredations of the Spaniards in the West-Indies.] Feb. 25. A Petition of the corporation of Liverpool, and also of the Merchants trading from that Port to his Majesty's colonies in the West-Indies, was presented to the House and read; "complaining of their Sufferings by the continued Depredations of the Spaniards, who had treated such as had fallen into their hands in a very barbarous and cruel manner, and praying the consideration of the House, and such redress as the House should think fit." This Petition was referred to a Committee of the whole House.

A Motion for a List of the Members who had Pensions rejected.] March 3. The Pension Bill having been rejected by the Lords, a motion was made in the Commons by Mr. Sandys, "That a Committee be appointed to inquire whether any Member of the House had directly or indirectly any Pensions during pleasure, or for any number of years, or any Offices from the crown holden in trust for them, in part or in the whole."

Sir *Robert Walpole* called this a motion for erecting the House into a court of inquisition; and said, that it justified the treatment which the Bill had met with in the other House. He added, that he could not see any possibility of the ends of the motion being answered, unless the House should assume to itself powers unknown to this constitution; a power of obliging every gentleman that was suspected to accuse himself, not of any thing criminal, for there could be no crime in taking either a place or a pension from the crown, but of what the House may construe to be criminal, and in consequence of that construction, disfurnish half the counties and boroughs in England of their representatives.

A great many gentlemen, who were suspected to have pensions or places in trust, though they were in their minds against the motion, yet to avoid suspicion voted for it; but it was thrown out by a majority of 206 against 143.

Motion for a Bill to prevent the Translation of Bishops.] March 4. A motion was made, and the question put, That leave be given to bring in a Bill, 'To prevent the Translation of 'Bishops;' which occasioned a debate. In support of the motion it was urged, That such a Bill was necessary to prevent a too great dependence of that part of the legislature upon the crown. To this the Courtiers answered, That such a law would be a great incroachment upon the prerogative of the crown, and an injury to the rights of the clergy.

Then the question being put on the motion, it passed in the negative.*

The English Language Law-Bill passes the Commons.] The same day sir George Saville presented to the House, a Bill to enact, "That all Proceedings in Courts of Justice shall be in the English Language," which was read the first time, and ordered to be read a second time, and likewise to be printed.

While this Bill was depending in the House, great opposition was made to it, and the principal arguments insisted on were, That if the Language and Writing of the Law should be altered, and made according to the modern way of speaking and writing, no one would ever be at the pains to study that ancient language and writing, which most of our old valuable Records are wrote in, so that the use of them would in a few years be entirely lost: That the method of distributing justice was now established according to a most concise and regular form, which must be entirely altered, if the language and methods of pleading should be changed: That this would necessarily produce such a confusion, that it would cost many years painful and troublesome application, before the new forms could be settled in a certain and regular course of proceedings; so that the making of those alterations would occasion greater delay of justice; give more room to dangerous frauds; render the prosecution of the rights of the subject more difficult and expensive; the recovery of small debts more impracticable; and the number of Attornies more excessive than heretofore.

To these objections it was answered by the Advocates for the Bill, That though both the language and writing of the law should be altered, there would be no danger of losing the use of our ancient Records; because, as long as we have any such, there always will be some men, who either out of curiosity, or for the sake of gain, will make it their business to understand both the language and character in which they are wrote, in the same manner as we find among us now several gentlemen, who make it their business to learn to understand the language and character of manuscripts much ancienter than any of our Records: That a very few of such Law Antiquarians will suffice, considering

* This motion was generally supposed to be owing to the bishop of Bangor's Speech in the House of Lords, against the Pension-Bill, the day before, and to the unanimity which appeared on the reverend Bench in their opposition to that Bill.

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the little occasion we have in any law proceedings to have recourse to any very ancient records; and that when they are made use of, they often do more harm than good: it being necessary for every nation to have private property determined and ascertained by a continued possession for a moderate term of years. And as to the Set Forms of the law, it was alledged, That we had already too many of them, and that they were of opinion that nothing so much perplexed and retarded the proceedings of the courts of justice, as a too nice observance of the established forms: That such forms are generally brought, for the sake of new fees, to such a bulk by the lawyers of all countries, that every country have found it necessary from time to time to curtail and abridge them; That justice was generally the most speedily, and the most impartially, distributed in those places where the fewest forms were observed: That therefore they thought the destruction of our law forms was a good argument for the Bill, instead of being one against it; because it would take up a considerable time, before the lawyers could again perplex the course of justice, with a number of useless forms and ceremonies.

The Bill was afterwards passed and ordered up to the Lords.

The Commons consider of the Petitions of the Merchants relating to the Spanish Depredations.] March 5. The House, in a grand committee, considered of the Petitions of the Merchants of Bristol and Liverpool, relating to the depredations of the Spaniards: and after hearing counsel for the petitioners, and examining several captains and owners of ships, who gave an account of a very great number of British ships, taken or plundered by the Spaniards, without any just pretence of their having been carrying on any contraband trade with any of the Spanish dominions, came to the following Resolutions, viz. 1. "That the Petitioners had fully proved and made good the allegations of their Petition. 2. That an humble Address be presented to his Majesty, that he would be graciously pleased to continue his endeavours to prevent the Depredations of the Spaniards for the future; to procure full satisfaction for the damages then sustained; and to secure to the British subjects the full and uninterrupted exercise of their trade and navigation to and from the British Colonies in America." These Resolutions being reported were agreed to by the House.

Then a motion was made for the following Amendment to the above Address, viz. 'And 'to procure a full, prompt and speedy satisfac-'tion;' on which there was a long debate. Those who were for the motion insisted, That it was the business of parliament to protect, or take care that the subjects should be protected from all injuries and wrongs both at home and abroad; and that the case before them was an injury of so high a nature, that it required not only a full, but a prompt and speedy, redress. The Courtiers hereupon endeavoured to shew, That the adding those words would look as if the House had a diffidence in his Majesty's conduct and concern for the good of his subjects. At last the question being put, it was carried against adding those words, by 207 against 135.

March 22. Upon the Report, of the Committee, to whom the Petition of the Merchants trading to, and interested in, his Majesty's Sugar Colonies in America had been referred, a Bill was ordered to be brought in for better securing and encouraging the trade of those Colonies.

March 26. The said Bill was presented to the House and committed.

April 14. The said Bill was read the third time and passed, but was afterwards dropt in the Lords.

Motion in the Commons for an Address to the King to discharge the 12,000 *Hessian Forces.*] April 30. A motion was made, and the question put, "That an humble Address be presented to desire his Majesty, that he will be graciously pleased for the ease of his subjects of this kingdom, to give orders for discharging the 12,000 men of the troops of the landgrave of Hesse-Cassel, then in the pay of his Majesty as king of Great Britain:" But after some debate, it passed in the negative.

Debate in the Lords on a Motion for an Address to the King to discharge the 12,000 *Hessian Forces.*] May 1. A motion was made by lord Bathurst, "That an Address be presented to his Majesty, humbly to desire that he would be graciously pleased, for the ease of his subjects, to give directions for discharging the Hessian Troops now in the pay of Great Britain." His lordship was supported by lord Carteret, the earls of Strafford and Winchelsea, lord Gower, and lord Willoughby de Broke, who spoke for the question, and argued the necessity of discharging the said Troops, especially now that a peace is made with the emperor; and that there is so good a prospect of the other powers acceding thereto. But the dukes of Newcastle and Argyle, the earls of Hay and Scarborough, and the lord King alledged, 'That it was not reasonable to discharge the said Troops, before the ratification was arrived from Vienna, and the principal powers had acceded thereto; besides that his Majesty ought to have the merit of discharging the said Troops himself, who, it was not to be doubted, would take the first opportunity of so doing, whether he was addressed or not: That what was chiefly contended for, was perhaps not above a month's pay for the said Troops, since it was likely that in that time they might be discharged by his Majesty; and that the keeping up of these Troops had induced the emperor to agree to a peace.'

At last, the question being put, on a division, it passed in the negative, by 73 against 22.

Debate in the Lords in the English Language

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Law Bill.] May 3. The Lords, in a Committee on the English Law-bill, went through the same after debate. Those who were against it, alledged, "That great difficulties would arise in translating the law out of Latin into English; and instead of being an ease to the people, it might, perhaps, be the occasion of great disputes, and multiply law suits, in regard to the interpretation of English words;" and

Lord Raymond saying, That if the bill passed the law must likewise be translated into Welch, since many in Wales understood not English.

The Duke of Argyle replyed, That the meaning of the law had been long understood by the interpreters thereof, the Judges, and would surely be so when translated: That our prayers were in our native tongue that they might be intelligible, and why should not the laws, wherein our lives and properties are concerned, be so, for the same reason? His grace added, 'That he was glad to see that the said lord, perhaps as wise and learned as any that ever sat in that House, had nothing more to offer against the bill than a joke.'

Other Lords instanced, That in the reign of king Edward 3, an act of parliament passed 'For having the laws in English, and not in French, as they then were, for the ease of the people.'

After this a debate arose about the law-proceedings being wrote in a plain legible hand, and not in any court-hand; wherein

The Earl of Ilay said, 'That in Scotland they had come to that pass, that writs, which were to be executed by sheriffs, were wrote in characters so hard to be read, that the sheriffs knew nothing of the contents;' his lordship therefore moved for an amendment to the Bill, viz. "That the proceedings in the exchequer of Scotland, be also wrote in a plain legible hand," which was agreed to; as likewise that the Records be wrote in the same hand as Acts of Parliament are engrossed. The next day the Lords passed the said Bill.

Petitions against the Charitable Corporation.] The abuse of the Charitable Corporation was a public nuisance, which was enquired into. During this session, several petitions were brought up against it; one particularly, from the City of London, complaining, "That the Corporation, called the Charitable Corporation, for the relief of the industrious poor, by assisting them with small sums of money at legal interests, do lend large sums on goods bought on credit by ill-designing persons, and do exact and take exorbitant and unreasonable rates, and sell the goods pledged, if not redeemed in the time stipulated, at such low rates, as no fair trader can afford them; and several other acts, contrary to the true intent of their charter, repugnant to the public good, and prejudicial to the fair trader."

The Petition was presented at the bar by the sheriffs of London; and being referred to a Committee of the whole House, it was followed by another from the Merchants and other traders in the city of London, complaining, "That although the laws, for lessening the interest of money, are the support of trade, and of common benefit to mankind, yet divers persons have contrived various ways to evade their force; and others, as a corporation, have also carried on the same pernicious practices to a greater degree, by misusing and abusing a charter, granted by the late queen, for relief of the poor, by assisting them with small sums on pledges, at legal interest, and acting contrary to the true intent of that grant, under colour whereof, they lend very great sums to ill-minded and necessitous persons on pawns, for which, under pretence of warehouse-room, insurance, and such-like evasions, they take such exorbitant rates, as no fair trade can afford, to the destruction of trade and credit, the oppression of the poor, and the encouraging ill-designing persons to take up goods on credit, pawn the same for ready money, and then withdraw from their creditors: and praying, that the law may be made more effectual against usury and exaction." This Petition was referred to the same committee as the last was, as was another Petition, of the same nature, from the silk and worsted manufacturers in Spitalfields.

On the other hand, the Directors and others, concerned in the Corporation, procured a Petition, said to be signed by divers merchants, traders, and others, in London, and the suburbs thereof, in favour of the Corporation; and the Corporation itself petitioned to be heard by counsel, against the Petitions from the city of London, which was granted.

Though the Petitions against the Corporation were founded upon the general principles of trade, yet there was great suspicion at the same time, of the most flagrant abuses having been introduced into the management of the capital of the proprietors, by the indolence or connivance of the directors, and the iniquity of their servants. This suspicion was strengthened, when several servants belonging to the Corporation endeavoured to abscond from being examined before the committee, to whom the above petitions, and several others, against the Corporation, were referred. All the effect, however, that the Petitions against the Corporation, produced during this session, was, a Resolution reported from the Committee by Mr. Conduit, the chairman, and unanimously agreed, to by the House, "That the Corporation had taken for large sums they had lent, ten per cent. under colour and pretence of reasonable costs and charges, and that the Corporation ought therefore to be regulated and restrained." And a Bill was accordingly ordered in, for regulating the Lending Money upon pledges, and for preventing usury and extortion.

The King's Speech at the Close of the Session.] May 7. The King came to the House of Peers, and the Commons being come thither, his Majesty made the following Speech to both Houses:

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" My Lords and Gentlemen,

" It is a great pleasure to me, that, at the close of this session of parliament, I am able to acquaint you, that the hopes I had conceived and given you, of seeing very suddenly a happy period put to the troubles and disorders which had been so long apprehended, are now, by the Treaty signed at Vienna, answered and accomplished.

" A project of a Convention betwixt the Emperor and the Maritime powers, for accommodating the differences and disputes that were subsisting, having been formed, the Treaty is concluded and signed by me and the Emperor; and is now under the consideration of the States General, the forms of that government not admitting a previous concert in a negociation of this nature; and, as this Treaty principally regards the execution of the Treaty of Seville, it is likewise communicated to the courts of France and Spain, as parties to the treaty of Seville: and I have just received advice, that the ratifications between me and the Emperor are exchanged.

" The Conditions and Engagements, which I have entered into upon this occasion, are agreeable to that necessary concern, which this nation must always have for the security and preservation of the balance of power in Europe: and as the uncertain and violent state of affairs, to which Europe was reduced, and the mischiefs of an immediate general war, which began to be thought unavoidable, are now removed; this happy turn duly improved, with a just regard to our former Alliances which it shall be my care to preserve, gives us a favorable prospect of seeing the public tranquillity re-established.

" Gentlemen of the House of Commons,

" I return you my thanks for the effectual Supplies, which you have granted me for the service of the present year, and for the proper disposition you have made of the Public Funds, towards lessening and discharging the National Debt: The remarkable dispatch and unanimity which you have shewn, at this critical conjuncture, has added very much to the credit and weight of your proceedings; and you shall find as great a readiness on my part to ease the burthens of my people, as soon as the circumstances and situation of affairs will admit of it, as you have shewn to raise the Supplies necessary for the service of the public.

" My Lords and Gentlemen,

" I hope at your return into the country, you will find all attempts to raise a spirit of discontent among my people, by unjust clamours and misrepresentations, vain and ineffectual. All malicious insinuations to the prejudice of my measures must surely vanish, when it shall appear that my first and principal care has been for the interest and honour of this kingdom. Let it be your endeavour to remove all groundless jealousies and apprehensions, that the satisfaction of this nation may be as general, as it is my earnest desire that their happiness may be; let all my people, let all orders of men enjoy, quietly and unenvied, the rights, privileges, and indulgences, which by law they are entitled to; let no innovations disturb any part of my subjects in the possession of their legal property: let all that are zealous in the support of me and my government partake in common the benefits of the present happy establishment; and let your good will to one another be as extensive as my protection, which all my good and faithful subjects have an equal right to, and may equally depend upon."

Then the Lord Chancellor prorogued the Parliament to the 27th of July.* It was afterwards farther prorogued to the 13th of January.

FIFTH SESSION OF THE SEVENTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] January 13, 1732. The Parliament being met in pursuance of their last prorogation, his Ma-

* " The state of the nation during the remainder of the year 1731 was far from being tranquil: the violence of party pamphlets continued to such a degree, that even the most sacred repositories of friendship were broken up and exposed to every vulgar eye. This served only to exasperate matters, and to render party controversies merely personal. It was generally supposed to be somewhat of that kind, which prevailed upon his Majesty in council to strike the name of Mr. William Pulteney out of the list of the privy counsellors, and his Majesty farther ordered, That the said William Pulteney be put out of all commissions of the peace; and that the several lords lieutenants who have given him commissions, do revoke the same; and the Lord Chancellor of Great Britain, and his Majesty's principal secretaries of state, were directed to give the necessary orders therein." Tindal.

" July 12, was to have come on the trial of Mr. Franklin, the bookseller, for printing the Craftsman of the 22nd of January last. A vast crowd of spectators of all ranks and conditions were gathered about the court to hear the said trial, and the court was crowded with noblemen and gentlemen, particularly my lord Winchelsea, my lord Bathurst, Mr. Pulteney, sir William Wyndham, sir William Young, &c. but when the Jury came to be called, there were but 11 of the 24 appeared; whereupon some debates ensued about adding one to the jury, or calling a new jury; at last the trial was put off till next term. It was remarkable that Mr. Pulteney, who is presumed to be one of the patrons of that weekly paper, was loudly huzza'd by the populace as he went out of Westminster-hall. Which shews the fondness of the people of England for the liberty of the press." Political State.

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jesty made the following Speech to both Houses:

"My Lords and Gentlemen;

"It is a great pleasure to me, that I am able to acquaint you, that the expectations which I have from time to time given you, of seeing the general tranquillity of Europe restored and established, are now fully answered.

"The share of credit and influence, which the crown of Great Britain has had in bringing about this difficult and desirable work, and which redounds so much to the honour and interest of this nation; as it is universally confessed abroad, will, I am confident, be agreeable to my people, and acknowledged with gratitude by you.

"It is well known, that from the time of concluding the Quadruple Alliance, the several courts of Europe have been employed in finding means to execute what the principal powers had agreed to, for the Succession of Tuscany and Parma, in favour of an infant of Spain; but the various jarring and contending interests, hard to be reconciled and united in effectuating a point of so much importance; the extended views and hopes of obtaining on every side farther advantages; and the natural jealousies and distrusts arising among the several powers concerned, from such opposite principles and purposes, had kept in suspence and unexecuted, what the court of Spain had very much at heart; and occasioned such troubles and disturbances, as embarrassed the affairs of Europe for many years, and particularly affected the interests of this nation.

"You have from time to time been informed of the different measures and negotiations, that have on all sides been carrying on during this long unsettled state of affairs; and you have enabled me to persevere in maintaining the rights and possessions of this kingdom, and in preserving the peace and balance of Europe.

"The Preliminary Articles and the subsequent transactions thereupon not answering the expectations of the court of Spain, and creating a coolness and dissatisfaction among the contracting parties of the first Treaty of Vienna, laid the foundation of the Treaty of Seville, and thereby dissolved that union, which had raised so many apprehensions, and so long alarmed the world.

"The execution of the Treaty of Seville was the great difficulty that still remained; and this, unsurmountable as it was thought, I have by your support, and by the confidence you reposed in me, been able to overcome by just and honourable Treaties, without coming to extremities, and without the hazard and expence of a general rupture, or kindling a war in any part of Europe.

"Parma and Placentia are now in the actual possession of the Infant Don Carlos; the 6,000 Spaniards are quietly admitted and quartered in the Dutchy of Tuscany, to secure, by the express consent and agreement of the great duke, the reversion of his dominions; and a Family Convention is made between the courts of Spain and Tuscany, for preserving peace and friendship between those two Houses, during the life of the Great Duke.

"For perfecting and finishing this tedious work, conducted through a series of infinite changes and vicissitudes, and incumbered with all the different views of interest and ambition, I concluded the late Treaty of Vienna; wherein I have entered into no Engagements contrary to former Treaties, or tending either to aggrandize or reduce the power or weight of any potentate, calculated purely for preserving a due balance, and to avoid such confusion, as new changes and convulsions upon future events would unavoidably create, and wherein Great-Britain could never stand by, and be an idle spectator.

"When this shall be duly considered, and it shall be seen that the wounds which have been long bleeding are intirely healed, groundless jealousies will cease, ill humours will subside, and peace and good harmony return together; all diffidence and distrust, the natural effect of repeated delays, artfully instilled and industriously improved and aggravated, will be removed; and mutual satisfaction be the consequence of the punctual and effectual performance of all engagements on our side, which will ever be remembered with great regard and honour to this crown and nation, and leave an indispensible obligation upon those that are immediately concerned, to make such returns as honour and justice call for and demand.

"Gentlemen of the House of Commons;

"The Estimates for the service of the current year shall be prepared and laid before you, which you will observe to be considerably less than those of former years: It is a pleasure to me to give ease to my subjects, whenever the welfare of the public will admit of it. You have seen the happy effects of your former zeal and resolution; success has attended my measures, and you reap the fruit of my endeavours and of your confidence in me; and it must be a satisfaction to you to reflect, that all the expences, which you have lately made, are amply recompensed by preventing and avoiding far greater.

"My Lords and Gentlemen;

"This happy situation of affairs, I promise myself, will inspire you all with such temper and unanimity, and such a seasonable zeal for the public good, as becomes a parliament sensible of the great blessings they enjoy: The duty and affections of my subjects are all the return I desire for my paternal love and concern for them. My government has no security, but what is equally conducive to your happiness and to the protection of my people; and your prosperity has no foundation, but in the defence and support of my government: our safety is mutual, our interests are inseparable."*

* "It is very plain, from the whole tenor of this Speech, which is unusually long, that his Majesty and his ministers imagined the success and wisdom of their conduct must have stopped

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The Lords' Address of Thanks.] His Majesty being withdrawn, the earl of Marchmont moved the following Address of Thanks, which was agreed to and presented the next day:

"Most gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects the Lords Spiritual and Temporal in parliament assembled, come with hearts full of duty and gratitude to return the humble Thanks of this House for your Majesty's most gracious Speech from the throne.

"We should appear insensible of our own happiness, and disregardful of the honour of this nation, if we did not beg leave to congratulate your Majesty, on your having made the crown of Great Britain so great and signal an instrument of restoring and securing the general tranquillity of Europe, and that in a manner the most advantageous and most honourable to this kingdom: Such is the success we may justly expect will ever attend the measures of your Majesty, pursuing steadily the true interest of your people, and assisted with the advice and support of a British parliament.

"Your Majesty has been graciously pleased to recapitulate the several treaties and negociations framed and carried on, during many years past, for the adjusting the different interests and interfering views of the great powers of Europe, which, though calculated with the greatest wisdom and justice for so desirable an end, have, through a long scene of violent contentions, met with those unavoidable delays, which your Majesty, in tenderness to your subjects, and out of an anxiety for their happiness, has so often been pleased to regret from the throne. We have now the great satisfaction to observe, that those very difficulties and distractions, those jarring and contending interests, opposite to the public good, and to each other, have, by your Majesty's wisely improving each critical conjuncture, by reconciling mutual pretensions and claims, or by defeating and disuniting dangerous leagues and conjunctions, and above all, by an uninterrupted perseverance in maintaining the rights and possessions of this kingdom, been each made subservient and contributing in various ways, to the great work of peace, which your Majesty has so long laboured to procure for us, and has now happily accomplished.

"The difficulties that attended the execution of the Treaty of Seville, without coming to an open rupture, and trusting to the uncertain event of war, so much the grounds of just concern and apprehensions in some, and of secret hopes, or even boasts of others, have been entirely removed, with the express consent of those princes, who alone claimed a right to oppose it, and who have themselves become parties in the making it effectual; and such have been the happy consequences of your Majesty's measures, that the most successful war, in which as experience teaches us the prosperous do not always reap the advantage, could, at the expence of the blood and treasure of this nation, have produced only that quiet and just balance of power, which your Majesty, by negotiations, and just and honourable treaties, has established.

"Your Majesty has not only given immediate peace to your kingdoms, and extinguished those flames that must very soon have embroiled all Europe, but in the finishing this glorious design has carried yet farther your great views for the public tranquillity, by framing and concluding the late treaty of Vienna; whereby the dangers which too evidently appeared likely to arise, or new differences and confusions upon future events, are, as far as human prudence can operate, obviated and prevented, without entering into any engagements contrary to former treaties, or having a tendency to raise or depress any power abroad: And it is from this happy situation of affairs, we may reasonably hope, that by our duly supporting and defending your Majesty's government at home, Great Britain, instead of being necessarily involved in new troubles and convulsions, may with safety, ease, and honour, share with our allies the happy benefits of a general peace.

"The whole series of your Majesty's actions had already proclaimed the gracious declaration, which your Majesty in your great goodness has been pleased to make from the throne, That the safety of the crown and of the people is mutual, and that their interests are inseparable. This lays us under the highest obligations to assure your Majesty, that we will proceed in discharging the trust reposed in us, with such temper and unanimous zeal for the public good, as becomes a House of Parliament, truly faithful and affectionate to the prince that reigns over them, fully sensible that our rights and liberties depend on the strength and security of your Majesty's government, and endeavouring to merit, in some measure, the blessings we enjoy."

The King's Answer.] To this Address his Majesty gave the following Answer:

"My Lords;

"I thank you for this affectionate and loyal Address. As the interests of my people, and the securing the peace and balance of power in Europe, has been my chief care and concern, the satisfaction you shew in the success of my endeavours cannot but be extremely acceptable to me.

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the mouth of all opposition, and have satisfied the nation. It is certain, that the anti-ministerial party, during the recess of parliament, had repeatedly affirmed, both in their conversation and writings, that don Carlos never could be quietly settled, that the nation was upon the eve of a war with France, and that the negotiations with the emperor must prove abortive, or detrimental to Great Britain. They were mistaken in all those conjectures, but their opposition continued as strong as ever: though they had, since the last session, received a great blow by the death of Mr. Daniel Pulteney." Tindal.

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"You may depend upon my favour and protection; and I am persuaded I may always rely upon your duty and support."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, Mr. Speaker reported his Majesty's Speech, and thereupon,

The Lord *Tyrconnel* * rose up, and after having enumerated the many difficulties this nation was brought under by the intrigues of our enemies abroad, and the many dangers and expences we should have been inevitably involved in, if the war with which Europe was threatened, had not been prevented by his Majesty's great foresight and wise measures; by the good success of which the tranquillity of Europe was settled and established upon a firm and lasting foundation; his lordship moved, "That an humble Address be presented to his Majesty, to return his Majesty the Thanks of this House for his most gracious Speech from the throne; to declare our highest satisfaction in seeing the general tranquillity of Europe restored and established by his Majesty's credit and influence, with so much glory to the crown of Great Britain, and honour to this nation; to acknowledge with gratitude his Majesty's unwearied endeavours for the happiness of his people, and his goodness in pursuing with steadiness and constancy such measures, as best conduced to the preserving the rights and possessions of these kingdoms; to express our just sense of his Majesty's great wisdom, in being able to surmount the various difficulties that so long embarassed the affairs of Europe, and particularly affected the interests of Great Britain; and by pacific measures and negotiations to bring to a happy conclusion the disputes, that for many years had been subsisting and depending; and by just and honourable treaties to settle and re-establish the public tranquillity, without the hazard and expence of a general rupture, or kindling a war in any part of Europe; to assure his Majesty that this House, sensible of the happy effects of the confidence so justly reposed in his Majesty, and the blessings we enjoy under his government, will with cheerfulness grant the Supplies necessary for the service of the current year, for the defence and support of his Majesty's government, and for the security and protection of his people." His lordship was seconded by

Mr. *Clutterbuck**, who explained the several jarring interests of Europe, which had all been happily reconciled by his Majesty's wisdom and good conduct; and added, That as our security depends upon the preservation of the balance of power in Europe, we could not in common prudence have sat unconcerned, and seen any one of the powers of Europe swallowed up by another: that if any war had broke out, we must necessarily have been concerned, and every man was sensible of the fatal effects such a war might have been attended with: that we were now free from all such apprehensions; and as the present happiness and tranquillity not only of this nation, but of Europe in general, was owing to the prudent and pacific measures pursued by his Majesty, he could not but approve of the terms of addressing proposed, and therefore he seconded the motion.

Sir *Wilfrid Lawson* stood up, and spoke as follows:

Mr. Speaker;

I shall join with all my heart in an Address of Thanks to his Majesty, for his most gracious Speech from the throne; but I cannot agree with descending so far into particulars, as are contained in the motion made by the noble lord who spoke first, and seconded by the honourable gentleman who spoke last. The Treaties, upon which it is pretended, that the tranquillity of Europe and the happiness of this nation are so firmly and lastingly established, are not now before the House; and therefore, from my own knowledge, I can say nothing about them, nor can I form a judgment of the honour or advantage which will from thence accrue to this kingdom: but if I judge from what I hear or see abroad in the world, I must be of opinion, that notwithstanding the great things we have done for the crown of Spain, and the favours we have procured for the royal family of that kingdom, we have as yet received very little satisfaction for the injuries done by them to this nation. I have seen published, in our News-papers, an Order of Instructions from his Catholic Majesty to the governors of his ports in the Indies, relating to the Depredations committed by the Spaniards upon our Merchants trading to those seas, but I cannot look upon this Order as any satisfaction for the depredations already committed; neither can I look upon it as a sufficient check against the committing of any in time to come: There are so many conditions in this order, so many *Ifs* and *Ands*, that it affords a large scope to the Spaniards in that part of the world, to go on in the taking or plundering of our merchants ships, under the pretence of their being concerned in some illicit commerce, or of their being found navigating in those latitudes, where the Spaniards may say they ought not to navigate. These Orders are so general, that the captains of the Spanish Guarda-Costa's and the governors, who are generally partners with the captains, may put any construction they please upon them; and we may expect, that the construction to be put upon them will be most unfavourable for the subjects of this nation. I shall not, Sir, at present make any motion, but as a member of this House, I thought it incumbent upon me to declare my sentiments in an affair, in which the honour of this House and the interest of the nation are so much concerned.

* The Historical Register says, by mistake, the lord Harvey. But see the Journals.

* Made one of the Lords of the Admiralty at the end of this Session.

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Mr. *Shippen* spoke next, as follows:

Mr. Speaker;

I rise not only to offer my sentiments against the terms of the Address proposed, but likewise to make a motion. It has, Sir, upon such an occasion, been the ancient custom of this House, to present an Address of Thanks to his Majesty, for his most gracious Speech from the throne, but such addresses were in former days always in general terms; there were in them no flattering paragraphs, no long compliments made to the throne, for transactions and successes which had never been laid before the House, and of which, by a necessary consequence, the House must have been supposed to have been entirely ignorant: It is true, Sir, we have of late years fallen into a custom of complimenting the Throne upon every such occasion with long addresses, and this custom has been followed so long, that I am afraid it may at last become a Vote of course, to vote an Address to his Majesty, in such terms as shall be concerted by those very men, whose measures are approved of by the compliment made to the throne. I confess, Sir, that I am so little of a courtier, that I cannot return Thanks for what I know nothing of; nor can I applaud before I know a reason for such applause. I am not at all against an Address of Thanks in the ancient usual style; but though I should happen to be single and alone in my opposition, which I hope I shall not, yet I am resolved to oppose addressing in the terms moved for, if it were for no other reason but this, that such a motion may not stand upon the Journals of this House, as agreed to *nem. con.* for if not taken notice of in time, such humble addresses to the throne may at last come to pass as a matter of course; and be as little regarded or opposed, as some affairs now are, which at first stood a long contest before they could be introduced.

Sir, It is no new thing in me to oppose such Addresses: I have always opposed them; and though I do not thereby appear to be a good courtier, yet it shews that I have some respect for the honour and dignity of this House; besides, Sir, when such Addresses have been proposed, it has been promised, and we have been assured, that no advantage should afterwards be taken of any words contained in the complimenting part of such Address; but every member in this House knows, that when the House had an opportunity of examining things more particularly, and debates ensued thereupon, they have then been told that they could not censure any of the past transactions, because they had approved of them all by their Address of Thanks to his Majesty for his most gracious Speech from the Throne. I hope, Sir, for the sake of my country, that all things are well, that our affairs both abroad and at home are in that prosperous condition, in which they have been represented to us; but as we cannot as yet judge from the effects, and as the Treaties, from which this great prosperity and lasting tranquillity is to arise, have not yet been laid before us; I cannot but look upon it as an anticipation of the Resolutions of this House to thank his Majesty for those treaties which we have not as yet had any opportunity either to peruse or consider; and therefore I move, "That the first part only of the Motion already made should stand, and that all the other complimenting paragraphs should be left out."

Mr. *William Pulteney* spoke as follows:

Mr. Speaker,

I am very willing that an Address of Thanks be presented to his Majesty, for his most gracious Speech from the throne; but I cannot agree to an Address in the terms proposed by the noble lord who made the motion, because they seem to imply an approbation of all that has been transacted or negociated by his Majesty's ministers; I am the more obliged upon this occasion to declare my opinion, because of the motion's having been made by that noble member, lest some of my friends should be thereby misled, and made to believe that I am for the motion in its full extent. We ought to thank his Majesty for his most gracious Speech, but I cannot see any reason we have to thank him for our Liberties and Properties: they are secured to us by our constitution; and as subjects of Great Britain we have a natural right to them, and his Majesty is far from having the least thought of making any incroachments upon them: But as for the Treaties and Negotiations abroad, and the honours and advantages we have by them acquired, I do not think that we can take notice of them, for till they be laid before the House, we must be presumed to be ignorant of them. For my own part I shall be glad to know that we are now at last got into a right way; but supposing that all is now right with us, I am certain there was a time some years ago, when we might have been as right as we are now, and upon the same conditions. If we had embraced that opportunity, a great deal of money would have been saved to the nation; but in those days, the guaranty of the Pragmatic Sanction was looked on as inconsistent with the interest and happiness of this nation, and was represented as such even by those who have now agreed to it; what were their reasons for representing it in such a hideous shape at that time, and for placing it now in so amiable a view, I cannot comprehend: For my own part, Sir, I do not see any necessity we were under of agreeing to it, even at this present time; for by our agreeing to that Guaranty, we lay ourselves under an obligation of assisting the Austrian Family, whenever they shall be attacked by any potentate whatever, except the Grand Signior; they may happen to be attacked, when it will be much against the interest of this nation to engage itself in a war upon any foreign account; and if they should acquire many more territories, it may be for the interest of the nation even to join in the attack, in order to preserve the Balance of Europe, the establishing of which

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has already cost us such immense sums of money; thus we may be obliged, either to engage in a war contrary to the interest and well-being of our country, or otherwise be guilty of a breach of faith, to the eternal dishonour of the nation: These, Sir, are the circumstances which this nation may be brought into by entering into this Guaranty so early; and these, Sir, are circumstances which every wise man ought, by all means, to avoid; besides, Sir, I do not know but we may be accused of some sort of breach of faith, on account of our late Negotiations with the Emperor: The French may perhaps say, that by the Treaty of Hanover we were obliged not to treat with any of the powers, against whom that Treaty seemed to be made, without the concurrence of our Allies; and yet notwithstanding thereof we not only negotiated, but concluded a Treaty with the Emperor without communicating the same to them; what reason the French may have for such an accusation I cannot at present properly speak to; Prussia, it is true, had before set us an example, and had drawn off from that Treaty long before we had; but France and Holland had adhered firmly to it to the very last.

"According to the view I have of our late Negotiations, I cannot say, that either the honour or the interest of the nation has been much considered; it is true, Don Carlos may be now established in the Succession to the Duchy of Tuscany, and in the possession of the Duchies of Parma and Placentia; the Spanish troops may be introduced into Italy and I wish their introduction do not prove to be the origin of new troubles; but in these things we have no particular interest. I cannot say that much regard has been had to the particular interest of this nation in our conduct at home, our debts have been increased, at least not diminished; and at the same time luxury has been so much encouraged, that many have run out a great part of their fortunes, and are thereby obliged to depend upon the court; insomuch that I must say, happy it is for the nation, that the King is so good and so just, as not to have any designs against our liberties: our Trade is decaying every day, and Public Credit is like to be entirely distroyed by the many public frauds that are committed; for credit depends upon that faith and confidence which one man puts in another, for the preservation of that which is committed to his care; but by these Public Funds all mutual faith and confidence will be taken away; no man will think his money safe but when it is locked up in his own coffers; he will not for the future trust the management or keeping thereof to any one man, or to any set of men. However, I hope, Sir, that all our affairs abroad are now set to rights, and that our domestic Grievances are in a fair way of being redressed; but if they are so, I must say, it is something like a pilot, who, though he has a clear, a safe, and a streight passage for going into port, yet takes it in his head to carry the ship a great way about, through sands, rocks and shallows, and thereby loses a great many of the seamen, distroys a great deal of the tackle and rigging, and puts the owners to a vast expence; however, at last by chance he hits the port, and then triumphs in his good conduct."

Mr. Pulteney having done speaking,

Mr. *Danvers* said, That when he returned to the country, he should be glad to have something to tell his country neighbours that would please them; they did not understand Treaties, nor did they trouble their heads much about distant prospects of wealth and happiness, but he wished he could tell them, that part of our Debts were paid off, or that some of our taxes were abolished, or the Standing Army disbanded. These were effects they would immediately feel, but he was afraid they would be of opinion, that a peace attended with a continuance of all the Taxes, and a keeping on foot the standing-army, did not deserve any Thanks from the nation.

Sir *William Wyndham* spoke next;

Mr. Speaker,

I cannot agree to the terms for addressing his Majesty, proposed by the noble member who spoke first, because though every thing may now be well settled upon a solid and lasting foundation, yet I cannot think that our conduct has in every respect been right; or that the interest of this nation has been, by his Majesty's ministers, principally and steadily pursued. At one time we were frightened out of our wits with apprehensions that the Pretender was to be put upon us, and that without any reason for all that I have yet seen or heard upon the subject. Then Don Carlos was made such a giant of, that he, that infant, was to swallow up and destroy all the powers of Europe; and at that time we sued to France for an alliance, and besought their assistance, by which we put it in their power to commence a war whenever they pleased; and, if they had not been more taken up with whims and disputes about Religion, than any wise nation ought to be, they would certainly have involved us in a war in conjunction with them; and thereby would have made us assist them in recovering all that they had lost by the last two wars, the taking of which from them had cost us so much blood and treasure. Some time after we shook off all fears of the Pretender, Don Carlos was again diminished to an ordinary size, and then we began to bully France as much as we had courted it before: such conduct cannot appear to me to be right, at least it does not appear to be steady and uniform. Upon the other hand it must be said of the Imperial Court, that they have acted with steadiness and prudence; they have firmly adhered to the proper interest of their native country, and have steadily pursued the aim they had in view, through all the different shapes in which the affairs of Europe have been put within these few years; and by this firmness and resolution they have at last brought us to their own terms; and have accomplished their designs, notwithstanding the

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conjunction and alliance of so many formidable powers against them; whereas we have been obliged, in some manner, to comply with the demands of almost every power we have treated with; and if by such means we have at last got off upon any tolerable conditions, it must be said, that we have been like a man in a room, who wants to get out, and though the door be open, and a clear way to it, yet he stalks round the room, breaks his shins over a stool, tumbles over a chair, and at last, rumbling over every thing in his way, by chance finds the door and gets out, after abundance of needless trouble and unnecessary danger.

Mr. *Oglethorpe* stood up, and spoke as follows:

Sir;

I do not think, that the guaranty of the Pragmatic Sanction is much to be taken notice of in the present case; for there are many other things which at present relate more nearly to the honour and interest of this nation. I wish I could have heard that the late new Works at Dunkirk had been entirely razed and destroyed; that we had received a full and complete satisfaction for the many Depredations committed by the Spaniards; and I should be glad to see more care taken in arming the country, and disciplining our Militia. I think it was a scandal to the nation to appear so much frightened, as we lately appeared to be, at the marching of a few French troops down to those coasts of France which lie next to us. We have, it is true, a standing army of good regular forces; but I hope this nation will never be brought so low, as to have nothing to trust to for their defence, but their standing army: our army bears but a small proportion to the whole body of the people, they can cover but a small part of our coast from an invasion, and therefore care should be taken to keep up military discipline and a warlike spirit among our Militia, through all parts of the kingdom; for whenever we are threatened with an invasion, our safety and our barrier next to our Fleet must depend upon them: it must be to them chiefly that we must trust our defence against the landing of a foreign enemy; and if they come once to lose entirely the use of arms, or the knowledge of military discipline, an enemy that can, either by cunning or accident, escape our fleet, may land with little danger; and may do a deal of mischief, before a sufficient number of our regular forces can be brought together to oppose them.

As to our Foreign Affairs, I must say, Sir, that considering how much the Protestants in Germany have been oppressed by the present Imperial family, I could have wished with all my heart to have heard, that some care had been taken of them in the Treaty we have lately made with the Emperor; but as the Dutch have not as yet acceded to the treaty, I hope some care may as yet be taken of those poor people: I look upon it as a general benefit, that the Dutch have not as yet acceded, because we may make an advantage of it by getting them to insist upon all such additions, explanations or amendments, as may be judged necessary for the common good of Europe in general, and of the Protestant Religion in particular. In the mean time I am pleased to find, that we are not now so closely united with France as we formerly were; for I have generally observed, that when two dogs are in a leash together, the stronger generally runs away with the weaker; and I am afraid this was something of the case between France and us.

Mr. *Henry Pelham* spoke next for the motion, and endeavoured to shew, "That it was no way inconsistent with the honour or dignity of that House, to thank his Majesty in the most particular terms for every thing, which he had been most graciously pleased to acquaint them with, in his Speech from the throne: that, in common decency, they were upon that occasion to look upon every thing to be as it had been represented to them by his Majesty; but that no compliments, as some of the honourable gentlemen who had spoke before were pleased to call them, that could be put into the Address, could be any way made use of to prevent that House's inquiry afterwards into the measures that had been pursued, when the Treaties that had been entered into should be laid before them: on the contrary, if upon such an inquiry it should be found, that any of the Negociations had been carried on, or any of the Treaties concluded, contrary to the honour or interest of the nation, they were then to presume, that his Majesty had been imposed upon, and thereby induced to make such a Speech to them; and by such an imposition, those who had advised the carrying on such negotiation, or the concluding of such Treaties, would accumulate guilt upon themselves, and would heap coals of fire upon their own heads; for in such a case, that House was not only to punish such evil counsellors for measures so weak or so wicked; but also to punish them for imposing upon his Majesty, and advising him to make such a Speech from the throne: that generally, upon the opening of a session of parliament, the eyes of all Europe were turned towards Great Britain; and from their first Resolves, all the neighbouring powers were to judge of the unanimity which was to ensue between his Majesty and his parliament; that if they at first appeared to be in the least diffident or jealous of his Majesty's conduct, it would weaken his influence upon the councils of foreign courts; and thereby they might put it out of his power to rectify a false step, if any had been made by his ministers, and this he was persuaded no man would incline to do, who was a friend either to his king or his country, for the sake of any private pique he might have to any of his Majesty's ministers: that for these and many other reasons, he was for agreeing to the Address in the terms first moved for.

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He was supported by
Mr. *Horatio Walpole*, who spoke next.

Mr. Speaker;

The honourable gentleman upon the floor [Mr. W. Pulteney] said, that he was afraid lest the noble lord, who first moved for an Address, might have some weight with his friends. I do not know, Sir, but that it may be so; I do not know but he may have weight with some of those, whom that gentleman now looks upon as his friends; but I am persuaded, that nothing that he has said, in opposition to the motion made by the other, will tend to diminish that weight which he is afraid of. As to the House's agreeing to the motion for presenting an Address to his Majesty, and in the terms proposed by the noble lord who made the motion, I need not, Sir, say any thing to it; that affair has been so fully explained, and the reasonableness of it so clearly demonstrated by the gentlemen who have spoke upon that side of the question, that I have nothing to add: but since the gentlemen, who have spoke on the other side, have entered into an examination of the measures that have been pursued, I hope the House will pardon me if I depart a little from the subject of the present debate, in order to answer some of the objections that have been made to our late conduct.

It has been said, Sir, that there was a time, some years ago, when the same thing might have been done that is now done, by which a great deal of money might have been saved to the nation. I wish, Sir, the gentleman, who said so, had told us what particular time he meant: I know that the entering into the Guaranty of the Pragmatick Sanction was proposed to us some years ago; but, Sir, I know that it was then proposed in such dogmatic and positive terms, that it was inconsistent with the honour of his Majesty, and of this nation, to give the least ear to a proposal, which was made rather in the terms of a peremptory demand, and without offering the least consideration to this nation, for our agreeing to enter into such a Guaranty: Besides, Sir, there was at that time good reason to fear that Don Carlos was the person upon whom the Imperial court had fixed their eye, as a successor to his Imperial Majesty; and I am sure it was against the interest of this nation, to contribute to the establishing of a person in the full and sole possession of all the Austrian dominions, who was by the Quadruple Alliance to have such large dominions of his own in Italy, and had by his birth so near a prospect to the crown of Spain, and at that time also a very near prospect to the crown of France. This Guaranty was again offered at the time when the Treaty of Seville was in agitation; but then again it was rejected, because it was well known, that the Proposal was made at that time only with a view to disturb the negotiations then carrying on, and which were so happily ended by the conclusion of the Treaty of Seville; so that at that time no Treaty could be entered into by us with the imperial court, either about the Guaranty of the Pragmatic Sanction or any thing else, nor at any time till they came to be a little more reasonable in their proposals; and as soon as that time came, we embraced the opportunity, and our negotiations had then all wished for success.

Nor can it be said, Sir, that we have entered into that Guaranty too soon; it was our own interest to enter into it as soon as possible, because the preserving of the Imperial dominions entire is necessary for preserving the Balance of Power in Europe: if we had delayed entering into that Guaranty till his Imperial Majesty's death, it would then have been too late; Europe would have been in flames, and the Austrian dominions divided before we could have done any thing. There may be civil broils in Germany upon the Emperor's death without male heirs, happen when it will, but surely the best way of preventing it, is to have the affair fully settled, and that settlement strongly guarantyed before the accident happens; those who pretend to any share will then be cautious, and will not be ready to enter into any violent measures: and I must say, Sir, that if the Imperial family were in any danger of being ruined or swallowed up by any neighbouring power, we must engage in the rescue, let our circumstances be at that time what they will; for if such a ruin should happen, our own would not be a great way off: this Guaranty we ought perhaps to have gone into sooner, because of the fatal consequences that might have ensued, if his Imperial Majesty had dropt off in the mean time; but we could not agree to it till the Imperial court agreed to give satisfaction to Spain, with respect to the dominions provided for Don Carlos in Italy by the Quadruple Alliance; to the Dutch with respect to the particular disputes between the empire and them; and to the Dutch and us with respect to the Ostend Company; and all these his Majesty, by his wise and steady measures, has at last procured.

Sir, I say steady measures, and I believe it will appear that our measures have been as steady and uniform, as those of any court in Europe: our aim was to preserve our own dominions abroad against the design laid for wresting them from us; to preserve our Trade against the incroachment made upon it by the setting up of the Ostend Company; and to preserve the balance of power in Europe against any present or future attempts for overturning it, in order thereby to establish, as far as is consistent with human prudence, the general tranquillity of Europe. This aim was most steadily pursued through the various shapes, which the affairs of Europe have taken within a few years past, and is now at last, in all human appearance, most happily accomplished; but it was necessary to establish the present tranquillity of Europe, before we could think of the future: We were engaged, by the Quadruple Alliance, to see the Infant Don Carlos settled in the succession of the Duchies of Tuscany, Parma, and Placentia: Spain

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could not be easy, nor could we expect any sincere friendship with them, till that was fully and completely effectuated; nor could either the Dutch or we be easy till we saw the Ostend Company absolutely demolished; and as soon as we got the present tranquillity settled by the Imperial Court's agreeing to these two main points, then we began to think of the future tranquillity of Europe; and in order to establish that upon as solid a foundation as the nature of the case will admit of, we have agreed to the Guaranty of the Pragmatick Sanction.

In all these transactions, the true interest of this nation has been most strictly pursued, and never once departed from: the interest of this nation is connected with the general interest of Europe in preserving the balance of power; and therefore it is the interest of this nation, as well as of almost every one of the other nations of Europe, to preserve the dominions of the Austrian family entire and undivided: I am sure that no man will say but it is the interest of this nation, that the duchies of Tuscany, Parma, and Placentia should never be in the possession of Germany, France or Spain. It is very plain, that it is the interest of this nation to have the East-India trade from Ostend demolished; and it is as evident that this nation is particularly interested in the preserving of Gibraltar and Port-Mahon, and at the same time in cultivating a good friendship and correspondence with Spain. In all these cases the interest of this nation is certainly most particularly concerned, and in every one of these points we have obtained all that we would expect or desire; and all this without any mean compliance upon our part, or giving up any thing that we were before intitled unto; upon the contrary, whenever any scheme was offered by any of our allies, which had the least appearance of being against the honour or interest of this nation, any sort of concurrence was absolutely refused, and thereupon all such schemes have been dropt: how then can it be said, that neither the honour nor interest of this nation has been regarded in our negotiations with our neighbours abroad, or that we have complied with every one in their turn?

In all this course of negotiation, there have been many jarring interests to be reconciled, and many difficulties to be surmounted, all which his Majesty has, by his wisdom and good conduct, got over; nor is there the least reason to suspect that, in any one measure, the public faith has been violated, nor as any power or potentate any ground for such a complaint; nay, there is not one that does so much as pretend to it. The only view that France had, or at least owned, was to preserve the tranquillity, and to see the terms of the Quadruple Alliance complied with: If these two points were brought to a happy issue, it was all that the French had to demand; and as both are fully accomplished by the Treaty of Vienna, the French court have no reason to complain, so far otherways, that they have declared they are fully satisfied: and as for our taking an alarm at the march of some of their troops towards the coasts of France, which lie opposite to England, it did not proceed from any jealousy that subsists between the two nations, but only from that prudent jealousy which every nation ought to have of all its neighbours, so far as to be always upon its guard against every one of them; upon that occasion the French were as much alarmed upon our marching troops down towards our coasts next to them, as we were upon the marching of theirs.

As in all Treaties there are some points left to be determined afterwards, according to the plan then laid down; so, Sir, by the Treaty of Seville the Spaniards are to make full satisfaction and reparation for the losses which our merchants have sustained by any unjust seizures; but as the quantum of that loss could not then be determined, nor could it then be determined what seizures were lawful and what not, therefore it was absolutely necessary to leave that affair to be inquired into and determined by commissaries mutually appointed; and we have all the reason in the world to expect that we shall at last meet with a full satisfaction in that affair, though it has been hitherto retarded by the negotiations about public affairs of greater moment, which have occurred since the conclusion of that Treaty. In all human affairs, it is sometimes necessary to have patience, and to wait the course of things; nations must not upon every little delay, or upon every trifling dispute, come to an open rupture, and involve themselves and their neighbours in war and bloodshed for things, which with a little patience might have been easily adjusted.

I should not, Sir, have troubled the House any farther; but that since comparisons have been going round, I hope I may have leave to make one in my turn; and I must say, that our late affairs very much resemble a set of honest quiet country people got into a country dance, who went through their dance with a great deal of ease and alacrity, until a turbulent noisy fellow came in among them, who immediately forced himself into the dance, and made such a noise, that such a one was out, and such a one not right, such a step out of tune, and such a turn not according to rule, that they could not go on with a dance; but at last they resolved to turn this troublesome fellow out of company, and then they all went on easily and quietly as they had done before.

The Commons' Address of Thanks.] At last, the question was put upon the Lord Tyrconnel's motion, which was carried in the affirmative without any division; and a Committee was appointed to draw up an Address accordingly, which is as follows:

"Most gracious Sovereign,

"We your Majesty's most loyal and dutiful Subjects, the Commons of Great-Britain in parliament assembled, beg leave to return your Majesty our most humble thanks for your most gracious Speech from the throne.

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"It is the highest satisfaction to your faithful Commons, to see the general tranquillity of Europe restored and re-established by your Majesty's credit and influence, which reflects the greatest glory to the British crown, and of consequence to the British nation; the honour and interest of which are always inseparable.

"We are fully persuaded, that the Treaties your Majesty has entered into, were made with no other view, than to preserve the balance of power in Europe, and secure the possessions of the crown of Great Britain, and all the rights and privileges we are entitled to; and we acknowledge with gratitude your Majesty's wisdom and goodness, in procuring for us all these advantages, without the expence and hazards of a war.

"We are very sensible of the many difficulties which your Majesty laboured under, in bringing this great and glorious work to so happy a conclusion. The many obstacles arising from various pretensions and jealousies during the course of these transactions, unsurmountable as they have been thought, are by your Majesty's steadiness and prudence entirely removed; and at a time when a war seemed unavoidable, the settlement of the succession of Don Carlos to the States of Tuscany and Parma has been peaceably accomplished, and the general tranquillity of Europe preserved by the weight and credit of your Majesty's negociations.

"Thus has your Majesty extricated not only this nation, but all Europe out of the uncertain state for many years laboured under, and that by means most honourable to your Majesty, consistent with all former engagements, and without the least injury to any prince or power in Europe.

"And we humbly assure your Majesty, that having the truest sense of the many blessings we have enjoyed during the course of your Majesty's reign, and how much our present happiness is owing to your paternal love and care for your people, we will with the greatest cheerfulness grant the necessary supplies for the current service of the year; and your Majesty will always find such returns of duty and gratitude from us, as the best of kings may expect from the most loyal subjects, fully convinced that the only end of your Majesty's auspicious government, is the protection and prosperity of your people."

The King's Answer.] To this Address his Majesty gave the following Answer:

"Gentlemen,

"I return you my thanks for this dutiful and loyal Address. I make no doubt of the continuance of your duty, affection and confidence in me; and you will always find that all my views tend to the honour, interest, and security of my crown and people."

A Supply voted.] January 18. The Commons resolved to grant a Supply to his Majesty, and the usual Estimates were laid before them.

The Pension Bill brought in.] January 25. Mr. Sandys presented to the House a Bill for making more effectual the laws in being for disabling persons from being chosen members of, or sitting or voting in the House of Commons, who have any Pension during pleasure, or for any number of years, or any offices held in trust for them; which was received and read a first time, and ordered to be read a second time.

Debate in the Commons on the Number of the Land Forces.] Jan. 26. The Commons being in a Grand Committee on the Supply,

Sir *William Strickland* moved, "That the number of effective men, for guards and garrisons in Great Britain, and for Guernsey and Jersey for the year 1732, should be, including 1,815 invalids, and 555 men which the six Independent Companies consist of for the service of the Highlands, 17,709 men, commission and non-commission officers included." In support of this motion he endeavoured to shew, That though the public tranquillity was happily and fully established, yet it was necessary for us to keep up at least the number of troops he had proposed, till we should see how those measures by which the public tranquillity had been established, should be approved of by the other powers of Europe, who had not then declared their sentiments upon that subject. Hereupon Lord *Morpeth* stood up, and having shewed how dangerous it was to the liberties of this nation to keep up a numerous standing army in time of peace; his lordship moved "That the number should be reduced to 12,000 effective men;" and was backed by Mr. Watkin Williams Wynn: but they were opposed by

The Lord *Hervey*,* who spoke next as follows:

Sir;

Though the peace and tranquillity of this nation, both abroad and at home, be now by his Majesty's wise conduct established, in all pro-

* "Lord Hervey, eldest son to the earl of Bristol, began at this time to make a very considerable figure in the ministerial party, and history ought to repair the injury that poetry has done to some part of his character. He had read a good deal, and was what may be called, a learned nobleman, though he scarce could have been deemed so in a literary sphere of life. He was not without wit, but he was a much better writer than a speaker; his manner was too slow; and he was apt to flag at the latter part of his period. He affected a gravity and solemnity which ill-suiting so delicate a figure as he had, was not at all pleasing. Notwithstanding this, he was master of a very sound judgment, and when he pleased to employ it, a most excellent pen in the political way."—Tindal.

"John lord Hervey, eldest son of John the first earl of Bristol, was born in 1696. He came first into parliament soon after the acces-

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bability, upon a firm and lasting foundation, yet a wise people ought always to be upon their guard against the worst that may happen. The public quiet both abroad and at home depends upon the views and inclinations of men; and we know by experience, that nothing is more fickle and variable; we ought not therefore to do any thing that may turn the inclinations of our enemies towards disturbing us, or that may give them any views of success in any such attempts; the only method to prevent the having any such inclinations, or conceiving any such hopes, is to keep up a good army of regular forces. The number moved for, is, in my opinion, the least that can be thought of by any man, who has a true regard for the quiet and prosperity of this nation, and for the preservation of the Protestant Succession in his Majesty's most illustrious family.

Every man knows, Sir, and every man ought

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sion of George the First; was appointed vice-chamberlain to the King in 1730; in 1733 was created a peer; and in 1740 was constituted lord privy seal, from which post he was removed in 1742. He died in 1743. He took a considerable share in the political transactions of the times, and was always a warm advocate on the side of sir Robert Walpole. Tindal has observed, 'that history ought to 'repair the injury that poetry has done to some 'part of his character,' and in fact, it is necessary; for never was man more exposed to ridicule, and lashed with greater severity, than lord Hervey has been exposed and lashed by the satirical pen of Pope. If we may credit the satirist, who has delineated his character under the name of Sporus, he was below all contempt; a man without talents, and without one solitary virtue to compensate for the most ridiculous foibles, and them ost abandoned profligacy,

'Let Sporus tremble.—A. What? that thing of silk,
'Sporus, that mere white curd of asses milk?
'Satire or sense, alas! can Sporus feel?
'Who breaks a butterfly upon a wheel?
'P. Yet let me flap this bug with gilded wings,
'This painted child of dirt, that stinks and stings,
' * * * * * * * * * *
'Eternal smiles his emptiness betray,
'As shallow streams run dimpling all the way.
'Whether in florid impotence he speaks,
'And, as the prompter breathes, the puppet squeaks;
'Or at the ear of Eve, familiar toad,
'Half froth, half venom, spits himself abroad,
' * * * * * * * * * *
'Amphibious thing! that acting either part,
'The trifling head, or the corrupted heart,
'Fop at the toilet, flatt'rer at the board,
'Now trips a lady, and now struts a lord.
'Eve's tempter thus the Rabbins have exprest,
'A cherub's face, a reptile all the rest,
'Beauty that shocks you, parts that none will trust,
'Wit that can creep, and pride that licks the dust.'

"However I may admire the powers of the satirist, I never could read this passage without disgust and horror; disgust at the indelicacy of the allusions, horror at the malignity of the poet, in laying the foundation of his abuse on the lowest species of satire, personal invective, and what is still worse, on sickness and debility. The poet has so much distorted this portrait, that he has in one instance made the object of his satire, what ought to have been the subject of his praise, the rigid abstinence to which lord Hervey unalterably adhered, from the necessity of preserving his health. Lord Hervey having felt some attacks of the epilepsy, entered upon, and persisted in a very strict regimen, and thus stopt the progress, and prevented the effects of that dreadful disease. His daily food was a small quantity of asses milk, and a flour biscuit; once a week he indulged himself with eating an apple: he used emetics daily. To this rigid abstemiousness, Pope maliguantly alludes, when he says,

'The mere white curd of asses milk.'

"In short, I agree with the ingenious editor of Pope, 'Language cannot afford more glow-'ing or more forcible terms to express the ut-'most bitterness of contempt. We think we 'are here reading Milton against Salmasius. 'The raillery is carried to the very verge of 'railing, some will say ribaldry. He has armed 'his muse with a scalping knife.' May we not ask, with the same author, "Can this be the nobleman whom Midleton, in his dedication to the History of the Life of Tully, has so seriously, and so earnestly praised, for his strong good sense, his consummate politeness, his real patriotism, his rigid temperance, his thorough knowledge and defence of the laws of his country, his accurate skill in history, his unexampled and unremitted diligence in literary pursuits, who added credit to this very history, as Scipio and Lælius did to that of Polibius, by revising and correcting it, and brightening it, (as he expresses it) by the strokes of his pencil?" May we not also ask, Is this the nobleman who wrote some of the best political pamphlets which appeared in defence of Walpole's administration? who, though sometimes too florid and pompous, was a frequent and able speaker in parliament, and who, for his political abilities, was raised to the post of lord privy seal? In truth, lord Hervey possessed more than ordinary abilities, and much classical erudition; he was remarkable for his wit, and the number and appositeness of his repartees.

"Although his manner and figure were at first acquaintance highly forbidding, yet he seldom failed to render himself, by his lively conversation, which Pope calls,

'The well whipp'd cream of courtly common sense,'

an entertaining companion to those whom he wished to conciliate. Hence he conquered the extreme prejudice which the King had conceived against him, and from being detested, he became a great favourite. He was particularly agreeable to queen Caroline; as he helped to enliven the uniformity of a court,

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to reflect upon it with concern, that we never did yet reduce our army, but that reduction was the occasion of some plot or machination against us: Did not the small number of our forces in the beginning of his late Majesty's reign, spirit up and encourage that wicked and unnatural rebellion that was raised against him? After that insurrection was happily quelled, we made a reduction of the army; what were the consequences? The army was no sooner reduced, but our enemies began to think of taking advantage of it; we were not only threatened with a new insurrection at home, but likewise with an invasion from Spain. By good management and good luck, their attempts were frustrated, their hopes were rendered abortive; and when we found ourselves quiet and easy, we again reduced our army. This reduction revived again the hopes of our enemies, they began again to plot and to cabal against us, under the management, and by the advice of the late bishop of Rochester; but their schemes were defeated by a timely and seasonable discovery, and the wicked authors suffered the most moderate punishment that the justice of the nation could inflict.

Though every thing be at present quiet and easy, yet we must not imagine that we have no enemies, or that they have lost their former watchfulness; as long as we have a good and

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with sprightly repartees and lively sallies of wit. His cool and manly conduct in the duel with Pulteney, proved neither want of spirit to resent an injury, or deficiency of courage in the hour of danger, and he compelled his adversary to respect his conduct, though he had satirised his person. His defects were extreme affectation, bitterness of invective, prodigality of flattery, and great servility to those above him. Horace, earl of Orford, has given a List of his Political Writings, in the Catalogue of Royal and Noble Authors; and among the Orford Papers, are draughts of several of those Pamphlets which were submitted to sir Robert Walpole. Some are corrected by him, in others, the minister made considerable additions."—Coxe's Walpole.

Dr. Middleton published a laboured panegyric on lord Hervey in his Dedication to the Life of Cicero, for which both were introduced into the Dunciad:

'Narcissus, prais'd with all a parson's pow'r,
'Look'd a white lilly sunk beneath a show'r.'

The duchess of Marlborough, in her Opinions, printed by sir D. D. (lord Hailes), has the following remarks under the year 1737: "Lord Hervey is at this time always with the King in vast favour. He has certainly parts and wit, but is the most wretched, profligate man that ever was born, besides ridiculous; a painted face and not a tooth in his head: and it is not above six months ago that the King hated him so, that he would not suffer him to be one in his diversions at play. I think it is possible that sir Robert Walpole may make some use of him at first, and perhaps the other may have vanity enough to imagine that he may work himself up to be a great man; but that is too mad I think to be ever effected, because all the world, except sir Robert, abhors him, and notwithstanding all the mischiefs sir Robert has done the nation, and myself in particular, which people generally resent in the first place, I had much rather he should continue in power than my lord Hervey:" p. 44.

The following account of the Duel between lord Hervey and Mr. William Pulteney, is given in a Letter from Thomas Pelham to the earl of Waldegrave. See Coxe's Walpole, vol. 3, p. 88.

"My Lord, *January* 28, 1730.

"As the present discourse of this town is about a Duel that was fought two days ago between lord Hervey and Mr. Pulteney, your lordship may be glad to hear the particulars of it, as well as I have been able to learn them, which is the only reason for troubling you by this post.

"Lord Hervey sent a message to Mr. Pulteney, desiring to know, whether he wrote the late pamphlet called 'The Reply' to that of 'Sedition and Defamation displayed;' in answer to which, Mr. Pulteney said, he would not satisfy lord Hervey till he knew whether his lordship was the author of the 'Dedication' to the latter. Accordingly lord Hervey sent him word that he was not; and Mr. Fox, who carried this message, asked Mr. Pulteney what answer he would give about 'The Reply;' to which Mr. Pulteney said, that since lord Hervey did not write the 'Dedication,' he was satisfied. But Fox insisting upon some other answer with relation to 'The Reply,' Pulteney then said, that he might tell lord Hervey, that whether he (Pulteney) was author of 'The Reply,' or not, he was ready to justify and stand by the truth of any part of it, at what time and wherever lord Hervey pleased. This last message, your lordship will easily imagine, was the occasion of the Duel; and accordingly, on Monday last, between three and four o'clock in the afternoon, they met in the Upper St. James's Park, behind Arlington-street, with their two seconds, who were Mr. Fox and sir J. Rushout. The two combatants were each of them slightly wounded; but Mr. Pulteney had once so much the advantage of lord Hervey, that he would have infallibly run my lord through the body, if his foot had not slipt, and then the seconds took an occasion to part them. Upon which Mr. Pulteney embraced lord Hervey, and expressed a great deal of concern at the accident of their quarrel, promising at the same time that he would never personally attack him again either with his mouth or his pen; lord Hervey made him a bow, without giving him any sort of answer, and (to use the common expression) thus they parted."

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brave army for our support, they know they dare not break out into any open acts of violence: But the many scandalous and seditious libels that are every day published against the government, and the many scribblers that are employed to vilify and asperse his Majesty and his administration, and to sow disaffection and discontent amongst the people, is an evident sign that we have as yet many enemies, even within our bosom, who would probably think of making use of other weapons than the pen, if we should be so unwise as to afford them the least hopes of success, by making a great reduction in our army; and therefore I am for continuing the army, for this year at least, upon the footing that was first proposed.

Mr. *Walter Plomer* replied, That the most weighty argument made use of by the noble lord, seemed to be, that there was a great number of Scribblers employed to write against the government; but for his part, he could not see why that was a sufficient reason for keeping up a standing army of soldiers. If scribbling gave the government any uneasiness, or made them dream of danger, he thought the best way would be to employ an army of scribblers to defend them, for he did not doubt but a sufficient number of such might be found, who would list upon that side where they expected they could make the most advantage.

Sir *William Yonge** then spoke as follows:

Mr. Speaker;

The question now before us is not any way relating to the preservation or the loss of our liberties; we are not to suppose, we cannot suppose, that his Majesty is to employ the Forces we are to keep on foot in any illegal way: or that he is to make use of them, or of any other means, to encroach upon the liberties of our country. We have had sufficient experience of his Majesty's wisdom and goodness not to entertain the least suspicion of any such design; all that his Majesty wants is, that we will take a care to keep up a parliamentary force, sufficient for enabling him to repel any attack that may be made upon our country, or upon our constitution. His Majesty desires nothing but what may be necessary for preserving us in the happy and quiet state in which we are at present, and for continuing and protecting the free enjoyment of those liberties and privileges for which he has always shewn so great a regard. While this is the use that is to be made of our standing-army, I cannot think that the number proposed is at all too large, and if any other use were to be made of them, I hope, I should be as ready as any man in this House to oppose any such measures; but as long as the continuance of the army depends upon the resolutions of Parliament from year to year, there is, I think, no danger of any such measures being entered upon, or even so much as thought of; the parliament will always have it in their power to put a stop to such measures in their infancy, and long before they can be made effectual, or so much as brought to any maturity; and I hope it never will be imagined that the parliament will join in any measures for enslaving the people.

The present question is not, whether we shall establish a standing army to continue for ever, or for any term of years? It is only about continuing the number now proposed for one year longer, till we see how the treaties we have lately made are relished by some foreign powers. If they should happen not to approve of the measures we have taken for establishing the general good and tranquillity of Europe, our keeping up of our standing army will prevent them from taking any measures for disturbing that peace and tranquillity so lately settled and established; as long as they find that we are in a capacity to compel their consent, they will at least dissemble and conceal their dislike. If at the expiration of the ensuing year we find, that all the other powers of Europe are quiet and easy; if we then find that they are willing to rest satisfied with those measures which have been agreed upon, we may then lessen the number of our Forces if we think fit, and one year's expence of maintaining 5 or 6,000 men, is but a trifle in comparison with the loss this nation may sustain, by exposing Europe and itself to the danger of a new war.

It is well known, Sir, how fatal it was to Europe, how fatal it was to this nation in particular, the disbanding of our army after the peace of Ryswick; king William had too much wisdom and penetration not to foresee the consequences of so wrong a step, and therefore he opposed it with all his might; but his well founded reasons could not prevail against the spirit of that faction and party, which was so troublesome to him during his whole reign, and prevented this nation's reaping all those advantages it might have done from his prudent administration. After this mischievous resolution was carried against him, and the brave army, which he had been at so much pains to discipline and train up, was in pursuance thereof disbanded, he saw himself in no condition to oppose or prevent the French king's taking possession of the whole kingdom of Spain, upon the demise of the then king, who was even at that time in so lingering a condition, that his death was every day expected, which made the Resolution for disbanding our army at so critical a juncture the more ridiculous; therefore king William found himself under a sort of necessity of entering into the Partition Treaty, which was afterward so much censured in this House, and was certainly a treaty that he never would have agreed to, but only that he thought it was necessary to give the French a small part of the Spanish dominions, in order to prevent their getting hold of the whole.

We have seen, Sir, the good effects of agreeing with his Majesty in the measures he proposed for bringing about the re-establish-

* Appointed a Lord of the Treasury, May 8, 1730, in the room of sir Charles Turner, made a Teller of the Exchequer.

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ment of the peace and tranquillity of Europe; I am persuaded, that the continuing of the Hessian troops in our pay was one of the principal causes of the success of his Majesty's negociations, and I think the event has justified me and every one who agreed with his Majesty in that measure; as I was then of opinion, that the continuing of the Hessian troops in our pay was absolutely necessary for bringing about those good ends which have been thereby effectuated, so now I am of opinion, that the keeping up the number of our own forces proposed, is a measure that is absolutely necessary for preserving that tranquillity which is just established.

But if there were no fears from abroad, if there were no danger of any foreign powers attempting to disturb the tranquillity of Europe, yet the preservation, even of our own liberties, and of the Protestant succession, make it necessary to continue the whole number proposed of our own troops in our pay; for though I am very far from thinking, that the generality, or that the greatest part of the people are disaffected, because I always reckon that the affection of the people is to be measured by the affection of their representatives in parliament; yet I am sorry to say, that there is still a spirit of jacobitism in the country; though it be at present dormant, it is not quite extinguished, as may appear from the treatment lately given to a petition for erecting the statue of king William,* that great king who delivered us from so many evils, and who had prevented our falling into the most abject slavery that ever a people were brought into; yet a petition for erecting a statue in memory of this glorious king met with such contempt, as could not be given by any but those who are most enthusiastically led by that evil spirit; and while there are any great remains of that spirit in the country, the government never can be safe, nor can the peace or quiet of the nation be secured without keeping up such a number of regular forces as may deprive such people of all hopes of success. For which reasons, Sir, I shall give my vote for keeping up the number of forces proposed.

Sir *William Wyndham* spoke as follows:

Sir; It has always been looked on as contrary to the constitution, and inconsistent with the liberties of this country, to keep up a standing army in time of peace. This is a maxim that has been handed down to us from our forefathers, and is certainly as true a maxim as any that ever was, or ever can be laid down, for the preservation of our happy constitution. His Majesty has been most graciously pleased to assure us from the throne, 'That the expectations he had given us, from time to time, of seeing the general tranquillity of Europe restored and established, are now fully answered.' What have we more to expect? Do we hope ever to see a time when all the powers of Europe will be, even to outward appearance, so fully satisfied and pleased that no jealousies nor private animosities do seem to remain? The hope is vain, the thing is impossible, for those very measures that make one easy will always give some appearance of disquiet to another; besides, the ambition of princes is such, that no general satisfaction can be expected, nor can a profound tranquillity be hoped for, to remain for any time without some disturbance. Either now is a proper time for us to reduce a part of our army, or such a time will never happen; and this nation must always be obliged to be at the expence of maintaining a numerous regular army, and lie exposed to have its liberties and privileges trampled upon by the means of that army, whenever we shall have a king weak or ambitious enough, or a ministry wicked enough, to engage in such measures.

A much less number, than we have at present, have been found sufficient to guard us both against invasions from abroad, and insurrections at home, even in the time of open war; during the whole course of the long wars, we had in the reigns both of king William and Queen Anne, a body of 6,000 or 7,000 men was thought all that was requisite to be kept in this nation, for guarding us against all the attempts of our enemies foreign or domestic; and this small body of men with the affections of the people, appeared to be so sufficient for the purpose designed, that the united powers of France and Spain never durst venture to make an invasion upon us: nay, they never so much as attempted it but once, and then they did it in such a faint manner as shewed they were afraid of the success of what they were going about: Yet every one knows what an advantage it would have then been to the French cause, if they could have made a diversion, by landing a body of troops in this island.

After the peace of Ryswick the Parliament was then so jealous of their liberties, and so much afraid of introducing the dangerous custom of keeping up a Standing Army in time of peace, that they got the army disbanded immediately after the peace was concluded, and they certainly did right in doing so. There were no fatal consequences from thence ensued, nor could the disbanding of our army give the least occasion to the Partition-Treaty: Spain was then in a manner our own, they were upon our side, and were heartily engaged, or would have engaged, in any tolerable measures for preventing the French king's taking possession of all, or of any part of their territories: but by that pernicious treaty, which was even be-

* The old Conduit in Cheapside, London, being ordered to be pulled down to make that street more commodious, a petition was presented to the Common Council by some citizens, desiring leave to erect a statue of king William, in the same place, at their own sole expence, which was refused: and upon this occasion, one of the Common Council made use of this remarkable expression, viz. That to consent to such a request would be only removing one anisance to set up another.

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fore the conclusion of it, and before the fatal effects it produced were felt, strenuously opposed by some of our own ministers, and was afterwards so justly censured in parliament, the Spaniards were forced to throw themselves into the arms of France; they were obliged to accept of the protection of France, in order to prevent their monarchy from being rent and torn to pieces, in pursuance of that ridiculous scheme agreed upon by the Treaty of Partition. Yet, notwithstanding this false step by which we lost the whole monarchy of Spain, we lost nothing by having disbanded our army; for immediately upon the war's breaking out afresh, we, in conjunction with our allies not only raised such an army as would have been sufficient to have defended Spain, but was found to be an over-match for the joint powers of France and Spain, assisted by their new ally the duke of Bavaria, whom we had likewise disobliged, and thrown into the scale against us by the second Partition-Treaty. And considering the great success of our arms in this last war and the small number of regular forces we had in pay before it broke out, I think we may from thence most certainly conclude, that there never can be any necessity, or really so much as a pretence, for keeping up such a numerous Standing-Army in time of peace, as we have at present in the island of Great Britain alone.

Sir, The brave and bold spirit which the British subjects naturally have is well known; our enemies have often felt it to their cost; I hope the same spirit still remains, I hope we have men enough in Britain who have resolution to defend themselves against any invasion whatever, though there were not so much as one red-coat in the whole kingdom. It is upon the bravery of our subjects, upon the natural courage of our men, that we ought principally to depend for the protection and safety of our country against a foreign enemy: By trusting to this we have continued for many years to be a happy and free people, and as soon as we begin to put our trust in any thing else, our happiness and our liberty will be at an end, and a state of misery and slavery must soon after ensue.

As to the Disaffection that is pretended to be in the country, it is nothing but a pretence, and it will always be a pretence: I hope, Sir, it is so inconsiderable, that our ordinary civil officers are sufficient to seize, and our common gaols capable to hold all the disaffected in the kingdom: But I must say that the continuing of a Standing Army, even from year to year, will certainly make the disaffection increase, and will make it spread through all parts of the kingdom; the people never can be easy under the load of taxes and the many oppressions, which always are, and always must be, the consequences of keeping up a numerous Standing-Army in any country. Our People are naturally jealous of their liberties; the continuing of the army thus from year to year will make them conclude, that they are never to be relieved therefrom by parliament; this may make them despair of preserving their liberty by any peaceable method, and may make them engage against one another in a cruel civil war, for the preservation of those liberties which they judge to be in imminent danger: These may be the consequences, but woe to those men who advise such measures as may produce such fatal effects! I wish that neither God nor man may ever pardon the authors of so much misery!

We have heard much, Sir, of the distinction between a Standing Army, and a Parliamentary Army; for my part, I can see no difference; a Standing-Army is a Standing Army, let it be authorized by Parliament or not: the people may meet with the same oppressions from both, and both must be maintained at the people's expence. I join with the worthy member, who spoke last, in opinion that the affections of the people ought to be measured by the affections of their representatives in parliament; it has always been so hitherto; the subjects, when they suspected that the crown was making any incroachments upon their liberties, always pleased themselves with the thoughts that they would find a sure redress from their representatives assembled in parliament; upon them they always depend for a certain remedy for all their real or even imaginary wrongs; but if this House shall thus from year to year agree to the continuance of a Standing-Army, I am afraid this will no longer continue to be a rule for measuring the people's affections: The people will begin to look upon us not as their representatives, or as the guardians of their liberties, but as the insignificant tools of a court, and the hireling supporters of an administration.

Mr. *Henry Pelham* replied, That as long as the army was regularly paid, and strict discipline kept up, he did not believe that the people could meet with any injustice from them; and as long as they were subject to be reduced or disbanded by the parliament, whenever it was thought convenient, they never could be employed against the liberties and privileges of the subjects; therefore he did not believe that the small number now proposed could ever raise any discontent or jealousy in the minds of the people: but he joined heartily with the honourable member, who spoke last, in wishing, that neither God nor man might ever forgive those, who were or should be the occasion of our being obliged to fight for our liberties; yet the case, he said, had happened; we had been obliged to fight for our liberties, and every thing that was dear to us: and yet notwithstanding, many of those who had been principally the occasion thereof, had been forgiven, at least by man.

Mr. *Barnard* said, That he could not agree to the continuing of the army upon the footing proposed, because we had been assured by his Majesty that there was a profound tranquillity abroad; and if there was any party at home against the Protestant Succession, he was convinced it was so insignificant that it was not worth taking notice of: That the setting up, or

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not setting up king William's statue, could be no argument for proving that there was a spirit of Jacobitism in the country: That for his part, he wished that the proposal had been agreed to, and that the statue had been set up; but he was sure that the late opposition that was made to it, and the refusing to set it up in the place proposed, did not proceed from any disaffection to the government, or from any dislike of the Revolution; there were many other reasons to be assigned for that refusal, which by the generality of the people, who were concerned in that matter, were thought to be of weight enough to make them give their negative at that time.

Sir *Philip Yorke* spoke next:

Sir; It is certainly the interest of this nation to render itself as considerable as possible amongst its neighbours; for the greater opinion they have of our strength and power, the less apt they will be to undertake any expeditions or invasions against us, and the more easy it will be for us to obtain from them any advantages or immunities, which we may think necessary for improving the trade and increasing the riches of the kingdom. There is nothing contributes more to the power and strength of a people than unanimity and concord among themselves: a factious divided people are never able to do much good to themselves or their friends, nor any great injury to their enemies and rivals. The only thing then, that can make this nation considerable in the eyes of foreigners, is a hearty union and agreement between his Majesty and his parliament; this it is which has produced that happy tranquillity which we now enjoy, and which by our influence has been communicated to the rest of Europe, and in a manner forced upon some of the princes thereof; some of them had inclination enough to have raised commotions, and to have disturbed the peace and quiet of their neighbours, but they durst not venture upon it, when they found the King of Great Britain and his parliament would join heartily in the same measures against them: it may be supposed that the same inclinations still remain, they only watch for an opportunity to follow them; the least disagreement between his Majesty and his parliament will afford them what they wish, what they long for, and thereupon the flames of war will break out afresh; for preserving therefore the tranquillity which by our influence has been established, it is necessary to continue the means by which we have been able to accomplish so good a design, for which reason I am for agreeing with what has been proposed.

Mr. *Walter Plomer* spoke as follows:

Sir; If I thought that the continuing the number of forces proposed were necessary for preserving the public tranquillity, either at home or abroad, or for any other good end whatever, I should join most heartily in the proposal. It is certain, that the continuing of so great an army in time of a profound peace may be of dangerous consequence to our constitution; and it always must be oppressive as well as burdensome to the people; therefore nothing but an absolute necessity ought to prevail upon us to continue a standing army. From past times we may be able to form a judgment of the present; from what has happened heretofore we may judge, whether there be at present any absolute necessity for keeping up such a number of regular forces. During the whole time of the late war in the reign of queen Anne, there were but 6 or 7,000 men of regular forces kept in this kingdom, and these were found sufficient, though the Pretender was then openly entertained at the French court, and was but a few days journey distant from us; it was then much easier to carry on a correspondence between him and his friends in this country than at present, and it must be supposed that he had more of them than he has now; for by the very nature of things they must be daily decreasing, and will at last wear quite out, if wrong measures at home do not prevent it; yet notwithstanding the small number of forces then kept in the kingdom, they were never able to give the government any great disturbance or uneasiness; therefore I must conclude, that for preventing any attempts from the Pretender or his party in the kingdom, a greater number is now not absolutely necessary, but is rather quite unnecessary and superfluous.

As soon as that war was at an end our troops were immediately disbanded, and the army reduced to about 6,000 men; it was not however at that time pretended, that it was necessary to keep our army on foot till it should be seen how the treaty we had made should be relished by foreign powers, or that there was any danger of the war's breaking out afresh in case we should, for the safety of our constitution, and the ease of our people, disband our regular forces. Yet I have so great a respect for her Majesty's memory, that I cannot believe she had any views of favouring the Pretender or his interest, either at home or abroad; and with this small number of regular forces at home, we found, that not only the general tranquillity of Europe was preserved, but upon the Queen's demise the Protestant Succession took place without the least disturbance or opposition. There was, it is true, a rebellion broke out some time after, and thereupon the army was augmented, but that rebellion was crushed even before the augmentation was made; the 6,000 or 7,000 troops we had in our pay at home were found sufficient for suppressing that insurrection; and notwithstanding this small number of forces we had on foot, and this insurrection that was at the same time raised against his late Majesty, yet we find that none of the powers abroad ever offered either to disturb us or any of their neighbours. Thus we find that in former times, and that very lately too, the public tranquillity has been preserved, both abroad and at home, by a little more than one third of the regular forces now proposed to be kept on foot; for what end

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then can such a number be proposed, or for what reason should we agree to it? For my part, I can find none, but very strong reasons for opposing it as much as lies in my power.

I must say, Sir, that it is not to the diminution or reduction of our regular forces, that any attempts against us ever were, or ever can be owing; such attempts, either by invasions or insurrections, must always arise from our government's pursuing measures by which disaffection and discontent are sowed among the people; when the people are generally disaffected, the malecontents will gather confidence from their numbers; and our neighbours will, upon every occasion, be ready to invade us, when they are sure of meeting with a powerful support and assistance from the people themselves. There is no one measure more apt to spread a general disaffection among the people than that of keeping up a numerous standing army; this was one of the principal things that ruined the late king James, and alienated from him the people's affections almost to a man: he had to trust to even a more numerous army than that at present demanded; but what was the consequence? That army was so far from securing him against the general discontent of the people, that they themselves, like honest men as they were, joined in the general defection, and contributed to the overthrow of the man who unjustly put his whole trust and confidence in them. I hope, Sir, that the English armies will always behave so; I hope they will always be so faithful to their country as to forsake the man who has a mind to enslave it; but this is not to be depended on; however, the example shews that any army breeds disaffection among the people, and that even an army cannot be much depended on by that King, who by putting his whole confidence in them, has incurred the displeasure of the people. Therefore from the sincere affection I have for the present establishment, I must be against continuing such a great number of regular forces in this kingdom.

Mr. *Horatio Walpole* spoke next:

Sir;—I am sorry to hear a parallel drawn by any member of this House, between the army kept up by the late king James, and the army intended to be kept up at present: king James's army was raised against law, was maintained against the consent of the people, and was employed in overturning the liberties of the people: the present question is about an army which is to be kept up, according to law, and by and with the consent and approbation of the people. If we look into the Petition of Right * itself, what does it say? why that an army raised or kept up, without consent of parliament, is contrary to the constitution; but it was never said, that an army kept up by consent of parliament is illegal, or any way contrary to our happy constitution; in this respect, therefore, no parallel can be drawn between the present army, which is to be kept up only by consent of the people, and maintained by them, and that army which was raised and maintained by king James himself, and was so far from being with the concurrence or consent of the people, that it was to be employed against them; and I am persuaded, that no man here suspects that the present army is to be employed in any such manner.

"I really believe, Sir, and I hope I am right, that there is but very little dissatisfaction in the nation, and that the Jacobite party is now become very inconsiderable; but still that party is not to be ridiculed and made a joke of: we are not so much to despise all attempts that may be made by them, as not to take any measures to provide ourselves against them; such a security is the best thing they can wish for; they would be glad to be despised in such a manner. Gentlemen may say what they will of the little consequence of any endeavours that have been, or may be used by them; but the late rebellion is a certain testimony that they are not to be too much despised. The fate of the kingdom was at that time brought even to the decision of a day, and if the rebels had been successful but at Preston, I do not know what might have been the consequences; I dread to think of them, but let them have been never so fatal, if the liberties of this nation had been overthrown by the success of those rebels, it would have been entirely owing to our having so few regular forces on foot at that time. We have escaped that danger, but do not let us expose ourselves every day to such dangers for the future, which must be the necessary consequence of reducing any part of the small army now on foot, and desired to be continued.

A Parliamentary Army never yet did any harm to this nation, but reductions of that army have often been fatal. I have been assured by a minister of very great consequence at the court of France, that the reducing of our army after the peace of Ryswick very much encouraged the court of France to take such measures, and to make such bold steps as they afterwards did. They would have been more cautious if we had kept ourselves in a capacity of pouring in a numerous army upon them; but they saw that we had put it out of our power: and therefore they despised us. The reduction of the army after the treaty of Utrecht had not, by good luck, all the ill consequences that were designed, but the reduction was certainly made with no good intent. I have a good opinion enough of the late Queen, she had not, perhaps, any ill intentions; but I am convinced that her ministers had laid a scheme for overturning the Protestant Succession; and they had no other way of executing this scheme, but by getting free of all those brave officers and soldiers who had served their country so faithfully in the late wars; this was what made the army be reduced at that time so low as it was: the ministers knew that those honest officers would not serve them in the execution of their destructive schemes, but they took care

* See vol. 5, p. 463.

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to supply their place by a body of above 6000 men, who were privately kept in pay, and maintained under colour of Chelsea-Hospital; and the consequence shewed what sort of men these new troops were, for almost every man of them appeared in arms in the late rebellion against the government. We have heard the treaty of Utrecht, upon which this reduction was made, applauded by some; whether it deserves any such applause I do not know; but I am certain, that since that time we have been obliged to enter into separate treaties and negotiations almost with every power in Europe, for amending or explaining the blunders of that treaty; and if we are now right, whoever ascribes our being so to that treaty, may be said to be like a man, who after breaking another's bones, and seeing them set again very right, and well cured by an able surgeon, cries, you are obliged to me, Sir, for this great cure that has been performed upon you.

After all, Sir, I would not have the friends to the present establishment think themselves absolutely safe and secure; it is not to be supposed but that his Majesty has still some private enemies, even in our own country; people may say what they will about the treatment the petition for erecting king William's statue lately met with, but I look upon it as an affront designedly put upon the Revolution; and I am sure it never could have met with so much contempt from any thing, but a spirit of jacobitism still subsisting in the country, which can never be destroyed but by taking away from them all hopes of success, and this can only be done by keeping up an army sufficient to defend us against their utmost efforts.

Mr. *Noel* spoke next and said, That he approved very much of his Majesty's speech to both Houses at the beginning of the session; he was glad to observe, that his Majesty therein declared, in so strong terms, his affection for his people, but from the motion that had been made for such a number of troops he thought the speech ought to have concluded with these words, That his Majesty, to shew his affection for his people, would quarter upon them for next year but 18,000 men.

Mr. *Shippen* stood up, and spoke as follows:

Mr. Speaker,

I see this question in the same light with those gentlemen, who are of opinion that the determination of it will shew the people of Great Britain, whether they are to enjoy their civil constitution, with all its rights and privileges, or to endure a military government, with all its inconveniencies and oppressions.

However harsh this assertion may sound, it is so well founded, that if we cannot now hope for a reduction of the army, we may for ever despair of it. For this is the conjuncture, this is the crisis, when the people of Great Britain may with reason and justice expect, I had almost said demand, an exemption from every unnecessary tax; and as none is more grievous at all times, so none seems to be more unnecessary at this time, than that which is occasioned by maintaining an extraordinary number of land forces. Such an exemption must be acceptable to his Majesty, who hath been most graciously pleased to open his session with declaring, 'That it is a pleasure to 'him to give ease to his subjects, whenever the 'welfare of the public will admit of it.'

Sir, There can be no doubt, but the welfare of the public will now admit of reducing our expences on the head of the army. For we have the same royal assurance, That the general tranquillity of Europe is fully restored and established; that all the jarring and contending powers are united, all the different views of interest and ambition reconciled, by his Majesty's extensive influence, and consummate wisdom; that the wounds, which have been long bleeding, are entirely cured, by his healing hand; that peace and good harmony are returned together; that the duty and affection of his subjects, are all he desires for his paternal love and concern for them; that his Government has no other security, but what is equally conducive to their happiness.

This is the situation, which his Majesty promises himself will inspire us with such a seasonable zeal for the public good, as becomes a parliament sensible of the blessings they enjoy. And imagination cannot form a more pleasing idea, a more perfect plan of national prosperity, than what is here described. Nor could a good and gracious prince bring better tidings, or communicate more welcome news from the throne, to a free people.

Since then his Majesty has so gloriously performed his part, let us not be wanting on ours. Let us take the earliest opportunity of convincing those we represent, that they are immediately to reap the fruit of his royal labours, and that all their grievances will be gradually redressed. Let us begin with reducing the army, and making them sensible, that it is not intended they should any longer bear the burthen and inconveniencies of war, in a day of profound peace, and universal tranquillity.

If we fail in this great point, the people, who did not resign their understandings, when they delegated their power to us, know they have a right to judge for themselves. They will not be imposed upon by appearances. They will be apt, notwithstanding all the fine words they hear, and all the fine speeches they read, to call this boasted success, these promised blessings, no more than a mere delusion, a golden dream, a chimerical and visionary scene of happiness.

I wish therefore the honourable person, who moved this question, and the other gentlemen who have been his co-adjutors in the support of it, had been a little more explicit. I wish instead of amusing the Committee with a detail of the various reductions of our forces from the treaty of Ryswick down to this day, and assigning wrong causes and consequences to each of those reductions; instead of assuring us, that, to their own private knowledge,

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the officers of the army had frequently, on extraordinary occasions, assisted the civil magistrates in the execution of their duty; instead of reviving the old exploded argument of disaffection and Jacobitism; I wish, instead of rambling so widely from the point in debate, they would have dealt more candidly with their audience, and told us plainly, whether they think a standing land-force will always be necessary to preserve and secure our present happy settlement; or whether they think the civil constitution of this kingdom so weakly, and so imperfectly framed, as to want something of the military power to strengthen and sustain it. If they entertain the first of these notions, they must give me leave to take notice, that such an insinuation is unjust, and the argument odious, since it is a very gross reflection on our present happy settlement, which is founded on the principles of liberty; and which you know, Sir, was intended to rectify all the errors, and to reform all the abuses of preceding reigns. I say, it is a very gross reflection on our present settlement, to suppose that his Majesty cannot wear his crown with safety, but by burthening the nation with the constant charge of maintaining near 18,000 men; but by establishing a force, which will perpetually interfere with the liberty of his subjects, and consequently shake the foundation of his throne. For, however changeable the counsels and actions of ministers may be, the nature of things is permanent, and it is impossible, that what has been the constant, the certain cause of destruction to other governments, should, by any new schemes, by any refinements in politics, be made the sole, or at least the chief, security of his Majesty's crown. It is true indeed, that the parliament has of late years consented to keep up an extraordinary number of troops in time of peace, for reasons better known to those who gave their consent, than to me who opposed them when they did so: But it has never yielded up, or renounced, that fundamental maxim, viz. That a land-force in England ought to be considered as the creature of necessity, which should not be allowed to subsist one moment longer, than the exigencies of the state require.

If they entertain the second notion, they are equally mistaken in that, as in the first; for it is a notion highly injurious to our constitution, which was so happily compounded in its original formation, that it can receive no addition or alteration, without prejudice. There is so close, so just a connexion betwixt all the parts of it, that if any one should be made independent of the rest, it would destroy that symmetry, which is essential to the whole, and which distinguishes it from all other constitutions. The crown, though limited, is armed with prerogative and power, sufficient, as well to defend itself, as to protect its subjects. The people are possessed of rights and privileges, in as extensive a degree, as is consistent with the nature of monarchy, and those rights and privileges are secured to them by the strongest and most sacred obligations. Nay, this notion is not only injurious, but impracticable; for what I have frequently advanced here must be universally allowed, that the civil and military power cannot subsist long together; and it is easy to foretell which will at last prevail, which will at last assume the sole dominion. We see the fatal effects of such a conjunction in those kingdoms, where armies tyrannise, and where senates servilely obey.

Now God forbid, that the delightful view, the glorious prospect which his Majesty has opened to his subjects, of their present envied condition, and of their future unspeakable felicities, should terminate in confusion and calamity. God forbid, that any compliance, any resolution of ours should endanger, or alter the best constituted, the best balanced government in Europe. For as it is the glory of our ancestors, that they have maintained it in opposition to all the attempts of innovation, and that they have transmitted it entire to their posterity; so it will be a mark of eternal infamy to that generation, in whose time it shall happen, either by the ambition of the prince, or by the treachery of the ministry, or by the slavishness of the people, to be surrendered, or destroyed.

But I forbear running into general arguments. I forbear too answering the distinctions, which have been made, betwixt parliament-armies and crown-armies. For, by what epithets soever distinguished, or by what authority soever raised or allowed, armies are in their nature the same, and the danger of continuing them the same, as I have formerly endeavoured to prove, when the ministry required for many sessions an extraordinary number of land forces, only because they had by their negligence, or by their insufficiency, so incumbered and embarrassed the public affairs, that they wanted a stronger guard, a more effectual support to secure their administration, than their own wisdom and conduct.

"But the case is altered, and his Majesty has extricated us out of all the difficulties, out of the long unsettled state of affairs, in which his ministers had involved us. I therefore rest the whole debate on the circumstances we are said to be in at this day, and in that view I take it to be impossible for any one, who is a well-wisher to the true and antient constitution of this kingdom, to vote for the question as it now stands. I submit indeed to the amendment made by a noble lord, [lord Morpeth] for a smaller number of forces than was at first proposed, I mean for 12,000 rather than near 18,000 men, only as it is the *minus Malum*, and not because I think that number now necessary for our preservation, nor because I think any number ought ever to be admitted into our establishment, or considered as a part of our constitution, on any pretence whatsoever.

Sir *Robert Walpole* stood up next, and made the following speech:

Sir; I find the gentlemen, who oppose the motion made by my hon. friend, have all along as-

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gued, as if the number of forces now proposed were to be kept up against law, or to continue for ever; whereas the very design of the motion made to this House is, in order to have a law for keeping them up; and all that the gentleman wants by his motion is, that they shall be continued for this year only. The case then before us is, whether it will be more proper, and more for the benefit of the nation, to keep up the number proposed for one year, or by an ill-timed frugality to reduce some part of them, and thereby expose the nation to be contemned and despised by our neighbours round us, and that at a time when the public tranquillity is but just settled, and before we can know whether some of our neighbouring powers are satisfied or not. Nations, as well as private men, must accommodate their measures to the times they live in. The circumstances of Europe are now much altered from what they were in former days; but a very few ages ago there was no such thing in Europe as what we now call a standing army; there was nothing but the militia in any country, and therefore it was no way necessary for us to have any thing else. If we quarrelled with any of our neighbours, we were sure they had nothing but Militia to bring against us, our Militia was, and I hope is still as good as theirs, but I do not believe that any man will say, that the militia of any country can be made fully as good as regular troops bred up to discipline, and accustomed to command for many years; the thing is impossible, and is so looked on by all the powers of Europe: There is not now a sovereign state in Europe, but keeps a body of regular troops in their pay; there are none of our neighbours but what keep a much greater number than we do; and therefore it is become in a manner absolutely necessary for us to keep some; we must have some regular troops to oppose to those that may upon a sudden emergency be brought against us, and to obstruct and oppose their passage till we have time to raise more: The only question is, how great a number we ought to keep, and in what manner they are to be kept up, and so as not to be dangerous to our constitution?

As to the preventing of any danger, arising from the regular forces kept up, I do not think there can be a better method proposed, than that of keeping them up only by authority of parliament, and continuing them only from year to year; by this method, Sir, they must always be dependent upon, and subservient to the parliament or people, and consequently can never be made use of for any thing, but for the preservation and safety of the people against all attempts foreign and domestic; and while they are kept up in this manner, they will always be a terror to our enemies, without subjecting us to any of those misfortunes which other countries have fallen into. A standing army, I find, is represented by some gentlemen, who have spoke upon the other side of the question, as not to be depended on even by the King, whose service they are in. I grant that an army of British subjects, whatever way kept up or modelled, is not to be trusted to by a King who makes any attempts upon the liberties of the people; but if such an army raised and maintained without consent of parliament was, we find, not to be trusted to by a King who had such designs, how much less can any man depend for the execution of such designs upon an army such as we have at present? An army raised, kept up, and maintained by the people: an army that may be dismissed by them when they please; and an army that is commanded by gentlemen of some of the best estates and families amongst us, who never can be supposed capable of joining in any measures for enslaving a country where they have so great an interest, and where their ancestors have so often signalized themselves in the cause of liberty. It is not therefore to be imagined, that ever such an army can be of any dangerous consequence to our liberties, were they much more numerous than they are proposed to be.

It is certain, that every state in Europe now measures the strength of their neighbours by the number of regular troops they can bring into the field; the number, or even the bravery of any Militia is not now much regarded, and therefore the influence and the credit that every state in Europe has, or can expect in the public negociations thereof, depends entirely upon the number of regular troops they can command upon any emergency; we must therefore conclude, that if we reduce the number of our forces, our influence abroad will decrease; our enemies will begin to imagine, that they may catch great advantages of us, or at least of our allies, before we can be in a condition to afford any considerable assistance to our friends, or do any great injury to them; upon which account I cannot think it prudent to make any great reduction of our army, before the treaties we have made for establishing the tranquillity of Europe are fully and absolutely secured by such alliances, as may make the execution of what we have stipulated and agreed upon, certain and indisputable.

But even as to our security at home, I do not think, Sir, that it can bear any reduction at present; we do not know what sudden and unexpected attempts may be made upon us; and notwithstanding the great army we have, as is pretended, at present, it is certain that we could not in several weeks time bring 5000 men of regular forces together in any part of the island, for opposing any invasion that may happen to be made upon us, without stripping our capital, and leaving it without any defence against its open or secret enemies. Those who tell us, that there were no more than 7000 men in England during the course of the late war, forget that we had at that time 4000 or 5000 men in Scotland, and had all along a great army abroad at our command, which we could bring over when we pleased, and did actually bring over 10,000 men from Flanders, immediately upon the first certain accounts we had that the French designed an invasion in

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Scotland, which made the number of regular forces then in the island above 20,000, and shews that we were very far from relying upon the 7,000 men we then had in England, for our sole defence in the time of danger: besides, we ought to consider that the king of France was then wholly taken up in defending his own territories, and settling his son in the possession of the Spanish Monarchy; he had not time to think of the Pretender, nor could he spare any troops for making an invasion upon us.

Whereas, should that nation, or any other begin now to have a quarrel with us; the first thing they would probably do, would be to endeavour to steal in the Pretender upon us with a good body of regular troops; which attempt they will always be the more ready to make, the fewer regular forces we have at home to oppose them: We have now no army abroad at our command; our allies might perhaps have no more than were absolutely necessary for the defence of their own territories, and though they had, we know what a tedious affair it is before they can be brought over to our assistance; we cannot therefore properly put our trust in any but those which we have within the Island, the number proposed is the smallest we can trust to, till the affairs of Europe be so settled, as that we can be in no danger of an attack.

I must take notice, Sir, that all those who are professed enemies to our constitution, and to the Protestant succession, exclaim loudly against a standing army: There is not, I believe, a Jacobite in the land, but what appears strenuously against the keeping up so great a number of regular forces: I must, Sir, upon this occasion, acquaint you with a story that happened to me but the other day. Some bills having been lately sent over from Ireland for his Majesty's approbation, and among them one against the papists of that kingdom; counsel were admitted to be heard for and against the Bill; In arguing of this matter, it happened that the counsel for the Papists had occasion to refer to the articles of Limerick, and therefore wanted them to be read; but there being no copy of them then at the counsel board, their solicitor, who was a Papist, pulled a little book out of his pocket, and from thence read the Articles; I supposed that this little book was his *Vade Mecum*, and therefore I desired to look upon it, and found that it contained those articles of Limerick, the French king's declaration against the States of Holland in the year 1701, and three arguments against a standing army: from whence I concluded, that this solicitor was a notable holderforth in coffee-houses against the pernicious consequences of a standing army; and I do not doubt, but that if he were a member of this House, he would be one of the keenest among us against the present question: For which reason, Sir, I shall glory in being one of those that are for it.

Mr. *William Pulteney** replied as follows.

Sir;

We have heard a great deal about parliamentary armies, and about an army continued from year to year; I have always been, Sir, and always shall be against a standing army of any kind; to me it is a terrible thing whether under that of parliamentary or any other de-

* "Mr. Pulteney being born to a plentiful fortune, he early had a seat in the House of Commons, and began to distinguish himself by being a warm partizan against the ministry in the reign of queen Anne. He had sagacity to detect their errors, and spirited eloquence sufficient to expose them. These services were well rewarded by king George 1, who, upon coming to the throne, raised Mr. Pulteney to the place of secretary at war, in the year 1714. Not long after he was raised to be cofferer to his Majesty's houshold; but the intimacy between this gentleman and sir Robert Walpole, who then acted as prime minister, was soon interrupted, by its being suspected that sir Robert was desirous of extending the limits of the prerogative, and promoting the interest of Hanover, at the expence of his country.

"Nor did Mr. Pulteney confine his displeasure at the minister to his person only, but to all his measures; so that some have been of opinion, that he opposed sir Robert often, when the measures he pursued were beneficial to the public.

"This course of steady opposition at last became so obnoxious to the crown, that the King, on the 1st day of July, 1731, called for the council book, and with his own hand struck the name of William Pulteney, esq. out of the list of privy counsellors: his Majesty further ordered him to be put out of all commissions of the peace; the several lord lieutenants, from whom he had received deputations, were commanded to revoke them; and the lord chancellor and secretaries of state were directed to give the necessary orders for that purpose.

"A proceeding so violent in the ministry only served to inflame this gentleman's resentment, and increase his popularity. It was some time after this, that he made that celebrated speech, in which he compared the ministry to an empiric, and the constitution of England to his patients. "This pretender in physic," said he, "being consulted, tells the distempered person, there were but two or three ways of treating his disease, and he was afraid that none of them would succeed. A vomit might throw him into convulsions that would occasion immediate death; a purge might bring on a diarrhœa that would carry him off in a short time; and he had been already bled so much, and so often, that he could bear it no longer. The unfortunate patient, shocked at this declaration, replies, 'Sir, you have always pretended to be a regular doctor, but I now find you are an arrant quack; I had an excellent constitution when I first fell into your hands, but you have quite destroyed it; and

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signation; a standing army is still a standing army, whatever name it be called by; they are a body of men distinct from the body of the people: they are governed by different laws: blind obedience, and an entire submission to the orders of their commanding officer is their only principle. The nations around us, Sir, are already enslaved, and have been enslaved by those very means; by means of their standing armies they have every one lost their liberties; it is indeed impossible that the liberties of the people can be preserved, in any country

'now I find I have no other chance for saving 'my life, but by calling for the help of some re-'gular physician.'

"In the year 1741, when sir Robert found his place of prime minister no longer tenable, he wisely resigned all his employments, and was created earl of Orford. His opposers, among whom Mr. Pulteney had long been foremost, were assured of being provided for; and, among several other promotions, Mr. Pulteney was sworn of the privy council, and soon afterwards created earl of Bath. He had long lived in the very focus of popular observation, and was respected as the chief bulwark against the encroachments of the crown. But, from the moment he accepted a title, all his favour with the people was at an end; and the rest of his life was spent in contemning that applause which he could no longer secure."—Biographical Dictionary.

"Mr. Pulteney was the head of the opposition in the House of Commons. He was a professed whig, and as such he opposed the minister; but he never intended that this opposition should be carried farther than to retrieve the nation from those measures, which as a whig he thought to be wrong, and which he blamed the minister, who had risen upon the whig interest, for pursuing."—Tindal.

"Mr. Pulteney inherited from nature a good understanding, which he had studiously cultivated; he was one of the most learned members in the House of Commons; extremely well qualified to judge of literary productions; well read in history and politics; deeply skilled in the British constitution, the detail of government, and the nature of the finances. He spoke with freedom, fluency, and uncommon warmth of declamation, which was said to be the effect of personal animosity to sir Robert Walpole, with whom he had formerly been connected.

"Soon after he was made earl of Bath, he declared in the House of Lords, 'That he con-'sidered it as an act of cowardice and mean-'ness to fall passively down the stream of popu-'larity, and to suffer his reason and integrity 'to be overborne by the noise of vulgar cla-'mors, which had been raised against the mea-'sures of government by the low arts of exag-'geration, fallacious reasonings, and partial re-'presentations.' The very language which sir Robert Walpole had often used against Mr. Pulteney and his confederates in the House of Commons."—Smollett.

"Mr. Pultency was formed by nature for social and convivial pleasures. Resentment made him engage in business. He had thought himself slighted by sir Robert Walpole, to whom he publicly avowed not only revenge, but utter destruction. He had lively and shining parts, a surprizing quickness of wit, and a happy turn to the most amusing and entertaining kinds of poetry, as epigrams, ballads, odes, &c.; in all which he had an uncommon facility. His compositions in that way were sometimes satirical, often licentious, but always full of wit.

"He had a quick and clear conception of business, could equally detect and practise sophistry. He could state and explain the most intricate matters, even in figures, with the utmost perspicuity. His parts were rather above business; and the warmth of his imagination, joined to the impetuosity and restlessness of his temper, made him incapable of conducting it long together with prudence and steadiness.

"He was a most complete orator and debater in the House of Commons; eloquent, entertaining, persuasive, strong, and pathetic, as occasion required; for he had arguments, wit, and tears, at his command. His breast was the seat of all those passions which degrade our nature, and disturb our reason. There they raged in perpetual conflict; but avarice, the meanest of them all, generally triumphed, ruled absolutely, and in many instances, which I forbear to mention, most scandalously.

"His sudden passion was outrageous, but supported by great personal courage. Nothing exceeded his ambition but his avarice; they often accompany, and are frequently and reciprocally the causes and the effects of each other; but the latter is always a clog upon the former. He affected good-nature and compassion, and perhaps his heart might feel the misfortunes and distresses of his fellow-creatures, but his hand was seldom or never stretched out to relieve them. Though he was an able actor of truth and sincerity, he could occasionally lay them aside, to serve the purposes of his ambition or avarice.

"He was once in the greatest point of view that ever I beheld any subject in. When the opposition, of which he was the leader in the House of Commons, prevailed at last against sir Robert Walpole, he became the arbiter between the crown and the people: the former imploring his protection, the latter his support. In that critical moment his various jarring passions were in the highest ferment, and for a while suspended his ruling one. Sense of shame made him hesitate at turning courtier on a sudden, after having acted the patriot so long, and with so much applause; and his pride made him declare, that he would accept of no place, vainly imagining, that he could by such a simulated and temporary self-denial preserve his popularity with the public, and his power at

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where a numerous standing army is kept up. Shall we then take any of our measures from the examples of our neighbours? No, Sir, upon the contrary, from their misfortunes we ought to learn to avoid those rocks upon which they have split.

It signifies nothing to tell me, that our army is commanded by such gentlemen as cannot be supposed to join in any measures for enslaving their country; it may be so; I hope it is so; I have a very good opinion of many gentlemen now in the army; I believe they would

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court. He was mistaken in both. The King hated him almost as much for what he might have done, as for what he had done; and a motley ministry was formed, which by no means desired his company. The nation looked upon him as a deserter, and he shrunk into insignificancy and an earldom.

"He made several attempts afterwards to retrieve the opportunity he had lost, but in vain; his situation would not allow it. He was fixed in the House of Lords, that hospital of incurables; and his retreat to popularity was cut off: for the confidence of the public, when once great and once lost is never to be regained. He lived afterwards in retirement with the wretched comfort of Horace's miser; (Populus me sibilat, &c.) I may, perhaps, be suspected to have given too strong colouring to some features of this portrait; but I solemnly protest, that I have drawn it conscientiously, and to the best of my knowledge, from a very long acquaintance with, and observation of, the original. Nay, I have rather softened than heightened the colouring."—Lord Chesterfield.

"In 1730 Pulteney placed himself at the head of the discontented Whigs. In conjunction with Bolingbroke, his ancient antagonist, he became the principal supporter of the Craftsman, to which paper he gave many essays, and furnished hints and observations.

"At this period, Pulteney was greatly courted by the foreign ministers of those powers who were displeased with the measures of the British Cabinet, and by none more than by Palm, the imperial ambassador, who caballed with opposition and endeavoured to overturn the ministry.

"The controversy in 1731, which passed between Pulteney and Walpole's friends and pamphleteers, widened the breach, and rendered it irreparable. The Craftsman was full of invectives against Walpole, and the measures of his administration. In answer to this paper, a pamphlet was published under the title of 'Sedition and Defamation Displayed;' in a Letter to the Author of the Craftsman, with a motto from Juvenal,

'Ande aliquid brevibus Gyaris, et carcere dignum,
'Si vis esse aliquis——

It contained a violent, and, according to the spirit of the political pamphlets of the times, a scurrilous abuse of Pulteney and Bolingbroke. The character of Pulteney is pourtrayed in the colours of party, in a dedication to the patrons of the Craftsman; and his opposition is wholly attributed to disappointed ambition and personal pique. In answer to this pamphlet, which he supposed to be written by lord Hervey, the great friend and supporter of sir Robert Walpole, he wrote, 'A proper Reply 'to a late scurrilous Libel, intituled Sedition 'and Defamation Displayed, in a Letter to 'the Author; by Caleb D'Anvers of Grays 'Inn, esq."

"In this pamphlet, Mr. Pulteney introduces the character of sir Robert Walpole, which it must be confessed does not yield, either in scurrility or misrepresentation, to that of Pulteney, given in 'Sedition and Defamation Dis-'played.

"In this publication, the Author treated lord Hervey with such contempt, and lashed him with such ridicule, in allusion to his effeminate appearance, as a species of half man and half woman, which Pope, in his character of Sporus has no less illiberally adopted, that lord Hervey was highly offended, a duel ensued, and Pulteney slightly wounded his antagonist. It afterwards appeared that lord Hervey did not compose this pamphlet; and Pulteney acknowledged his mistake, and imputed it, without sufficient authority, to Walpole himself. [It was written by sir William Yonge, Secretary at War, as he himself informed the late lord Hardwicke.]

"As one great source of obloquy vented by the ministerial writers against Pulteney, was his junction with Bolingbroke, who, when driven from his country, had espoused the party of the Pretender, a letter by Bolingbroke appeared in the Craftsman of May 22, 1731, with the fictitious name of Old-castle, which, after heaping many charges on the minister, drew the characters of Pulteney and Bolingbroke in a most favourable light, and vindicated them from the imputations of the writers on the side of government.

"This Letter produced an Answer, intituled, 'Remarks on the Craftsman's Vindication of 'his two honourable Patrons, in his paper of 'May 22, 1731. Par Nobile Fratrum;' In which the two characters commended by the Craftsman, were attacked with increasing asperity, and Pulteney was loaded with the most virulent personal abuse, by ransacking his private life, prying into his domestic concerns and family transactions, by accusing him of acting solely from disappointment and revenge, of being governed by veteran Jacobites, of disrespect to the king, ingratitude to the minister, of sharing the bounties, and adding to the pensions of the crown, and of having obtained the fee-simple of 9,000*l.* per annum, by the favour, indulgence, and assistance of the minister, whom he had sworn to destroy. Perhaps he would have acted a more prudent and dignified part, in not making any reply to the invective of a party pamphlet; but, as he conceived it to have been written, or at least the materials

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not join in any such measures; but their lives are uncertain, nor can we be sure how long they may be continued in command; they may be all dismissed in a moment, and proper tools of power put in their room. Besides, Sir, we know the passions of men, we know how dangerous it is to trust the best of men with too much power; where was there a braver army than that under Julius Cæsar? Where was there ever an army that had served their country more faithfully? That army was commanded generally by the best citizens of Rome, by men of great fortune and figure in their country; yet that army enslaved their country. The affections of their soldiers towards their country, the honour and integrity of the under-officers, are not to be depended on; by the military law, the administration of justice is so quick, and the punishments so severe, that neither officer nor soldier dares offer to dispute the orders of his supreme commander; he must not consult his own inclinations: If an officer were commanded to pull his own father out of this House, he must do it; he dares not disobey; immediate death would be the sure consequence of the least grumbling. And if an officer were sent into the Court of Requests, accompanied by a body of musketeers with screwed bayonets, and with orders to tell us what we ought to do, and how we were to vote, I know what would be the duty of this House; I know it would be our duty to order the officer to be taken and hanged up at the door of the Lobby: but Sir, I doubt much if such a spirit could be found in the House, or in any House of Commons that will ever be in England.

Sir, I talk not of imaginary things; I talk of what has happened to an English House of Commons, and from an English Army, not only from an English Army, but an Army that was raised by that very House of Commons, an Army that was paid by them, and an Army that was commanded by Generals appointed by them; therefore, do not let us vainly imagine, that an Army raised and maintained by authority of Parliament will always be submissive to them: If an Army be so numerous as to have it in their power to overawe the Parliament, they will be submissive as long as the Parliament does nothing to disoblige their favourite general; but when that case happens, I am afraid that instead of the Parliament's dismissing the army, the army will dismiss the Parliament, as they have done heretofore. Nor does the legality or illegality of that Parliament, or of that army, alter the case, for with respect to that army, and according to their way of thinking, the Parliament dismissed by them was a legal Parliament; they were an army raised and maintained according to law, and at first they were raised, as they imagined, for the preservation of those Liberties which they afterwards destroyed.

It has been urged, Sir, that whoever is for the Protestant Succession must be for continuing the Army: for that very reason, Sir, I am against continuing the Army: I know that neither the Protestant Succession in his Majesty's most illustrious house, nor any succession can ever be safe as long as there is a Standing Army in the country. Armies, Sir, have no regard to hereditary Successions. The first two

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to have been furnished by the minister, his indignation was roused, and he published an animated defence of himself and his own conduct, a work to which I have frequently alluded, as containing much curious information on the origin and progress of the quarrel between him and Walpole. It is styled, 'An Answer to one 'part of a late infamous Libel, intituled, "Re-'marks on the Craftsman's Vindication of his 'two honourable Patrons;" in which the cha-'racter and conduct of Mr. P. is fully vin-'dicated.' Addressing it to sir Robert Walpole, he says of the pamphlet in which he had been so indecently abused, "There are several passages of secret history in it falsely stated and misrepresented, which could come from nobody but yourself. You might, perhaps, employ some of your mercenaries to work them up for you; but the ingredients are certainly your own."

"In the course of the defence, Mr. Pulteney gives us his account of the conversation about making him Secretary of State, which he accuses Walpole of having disclosed, and misrepresented. And as Walpole had thrown out to him the bait of the secretaryship, to prevent, if possible, his opposing the payment of the king's debts, the secret history of that transaction, as far as Pulteney was concerned, is laid before the public. Having gone through that part of his defence he proceeds, "Since now we are upon the heads of secret history, which you have opened, I must explain another point in this gentleman's defence, concerning the reconcilation between his late majesty and the present king, from whence it will appear, whether you or this gentleman was most greedy of employments, and who discovered the truest zeal for the honour of his present majesty."

"The disclosure of this secret conversation, and of the contemptuous expressions which Walpole is said to have uttered against the king, when prince of Wales, instead of irritating him against the minister, only raised his resentment higher against Pulteney. Franklin, the printer of the pamphlet, was arrested; Pulteney's name was struck out of the list of privy counsellors, and he was put out of all commissions of the peace, measures which tendered to render the breach irreparable. Such was indeed the bitterness of party, and the animosity against the minister, that Pulteney does not hesitate to declare, that "the opposition had come to a determined resolution, not to listen to any treaty whatsoever, or from whomsoever it may come, in which the first and principal condition should not be to deliver him up to the justice of the country." Coxe's Walpole.

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Cæsars at Rome did pretty well, and found means to keep their armies in tolerable subjection, because the generals and officers were all their own creatures; but how did it fare with their successors? Was not every one of them named by the army without any regard to hereditary right, or to any right? A cobler, a gardener, or any man who happened to raise himself in the army, and could gain their affections, was made emperor of the world: Was not every succeeding Emperor raised to the throne, or tumbled headlong into the dust, according to the meer whim or mad frenzy of the soldiers?

We are told, Ho! Gentlemen, but this army is desired to be continued but for one year longer, it is not desired to 'be continued for any term of years': how absurd is this distinction! Is there any army in the world continued for any term of years? Does the most absolute monarch tell his army, that he is to continue them for any number of years, or any number of months? How long have we already continued our army from year to year? And if it thus continues, wherein will it differ from the Standing Armies of those countries which have already submitted their necks to the yoke? We are now come to the Rubicon; our army is now to be reduced, or it never will; from his Majesty's own mouth we are assured of a profound tranquillity abroad; we know there is one at home; if this is not a proper time, if these circumstances do not afford us a safe opportunity for reducing at least a part of our regular forces, we never can expect to see any reduction; and this nation, already overloaded with debts and taxes, must be loaded with the heavy charge of perpetually supporting a numerous Standing Army; and remain for ever exposed to the danger of having its Liberties and Privileges trampled upon, by any future king or ministry, who shall take it in their heads to do so, and shall take a proper care to model the army for that purpose.

Then the question was put, on sir William Strickland's motion, which was agreed to, without any Amendment, by 241 against 171.

Debate in the Commons, on Mr. Pulteney's Motion for an Account of what Savings had been made by Vacancies in the Army.] Jan. 27. Mr *William Pulteney* moved, "That an humble Address be presented to his Majesty, that he would be graciously pleased to give directions to the proper officers, to lay before the House an Account of what Commissions in the Army and Governments of Garrisons had been kept vacant, and what Savings had been made thereupon." Upon this

Sir *William Strickland* stood up and said, 'That no such Account had ever been kept at the War Office; the custom there was, that when any officer died, the Commissary certified his death to that officer, in order that the pay might be stopt; and they never began to issue any money upon that account till a new commission was lodged in that office.'

Sir *William Yonge** added, That whatever Savings could possibly be upon that account amounted to such a small sum, that it was a mere trifle, and was not worth being taken any notice of by that House.

Mr. *Henry Pelham* said, That all the time he had been in that office, and he believed it was so still, no commissions were ever kept vacant for any time: that it was always his Majesty's custom to fill up every commission in the army immediately after it became vacant, so that there could be little or no Savings upon that account; and if there was any, the custom had always been to leave it to be disposed of by his Majesty, in such manner as he thought fit. Hereupon

Mr. *William Pulteney* spoke as follows:

Sir; I made this motion in a manner by mere accident; but I do not think it is any argument against it to tell us, that the Savings amount to but a mere trifle; we shall be best judges of that, when we see the Accounts laid before us; and let it amount to what it will, if it is saved, (I will not say sunk, being a hard word) we ought to inquire into the application of it. I believe there are not a great many Commissions kept long vacant, but I am sure there have been some that have been kept vacant for a considerable time, we ought at least to have an Account of them; because I observe, there is a demand every year brought in, which is called, 'An Account of Services 'incurred and not provided for;' I think, the most proper way of answering this Account is, to have 'An Account of Services provided for 'and not performed.' I am persuaded that in the Civil List Revenue there is not an office vacant for a day, but what the Savings thereby are brought to account, and disposed of in the most frugal manner. I think the same good management ought to be observed in the army.

General *Ross* said, That he supposed the same method was observed now, that was formerly observed in Flanders: that he knew no commission was then kept vacant for any time; as soon as ever the death of any officer was certified, a new commission was granted to some other in his place, and what little Savings could be made that way were always left to the disposal of the general, and were applied by him in such manner as he thought most proper for the public service.

Mr. *Bootle* spoke next:

Sir; Whatever is given for the maintenance of the Army is a part of the public money, and it is our business to call for the Accounts, and inquire into the disposal of every farthing of

* Smollett describes sir William Yonge as a man "who rendered himself serviceable and necessary, by stooping to all compliances, running upon every scent, and haranguing on every subject with an even, uninterrupted, tedious flow of dull declamation, composed of assertions without veracity, conclusion from false premises, words without meaning, and language without propriety."

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such money. If the Savings by vacant commissions have hitherto been well and properly applied, they who advised such applications will have the more honour, and if there have been any misapplications, this House ought to take care to prevent any such for the future. In past times the Savings upon this account may perhaps amount to but a trifle; however it is certain, that considering the great number of Officers we maintain, a very large sum may be annually saved; and if we never call for any such account, commissions may in time of peace be kept vacant for a long time, on purpose thereby to raise money, in order to convert it to uses that may be prejudicial to the nation. Then,

Sir *Robert Walpole* stood up and said:

Sir; During all the time that the duke of Marlborough commanded our armies, there was never any commission became vacant but was immediately filled up; there was indeed generally about a week allowed for the filling up of any vacancy, but what was saved that way was generally given to the colonel of the regiment, to answer some of the extraordinary expences he was sometimes put to: or it was given to the officer that succeeded, to defray the charges he might be at upon account of his new commission. The same custom is still observed, and any little Savings that happen between the death of one officer, and the putting of another in his room, have always been disposed of by his Majesty in the manner I have mentioned, or have been applied to charitable uses, and given in small sums to those of the army who stood in need of any such. I hope this House does not intend to take the disposal of such small charities into their own hands, contrary to the custom that has always hitherto been observed. I do not think this House can be so good judges as a board of general officers in the disposal of such charities; and while it is left to his Majesty, he can always have the advice of such a board when any small sum is to be disposed of in that way. As to the Civil List there are no savings by any vacancies in that part of the revenue; every place is filled up as soon as it becomes vacant, in the same manner as it is in the army, the management in both is the same, and in both there is as much frugality as possible.

Then the question being put on Mr. Pulteney's Motion it was carried in the negative.

Further Debate in the Commons on the Number of the Land Forces.] This debate being over, sir Charles Turner reported the Resolutions of the Committee on the Supply, as follows, 1. "That the Number of effective men, to be provided for guards and garrisons in Great Britain, and for Guernsey and Jersey for the year 1732, be, including 1815 Invalids, and 555 men, which the six Independent companies consist of for the service of the Highlands, 17,709 men, commission and non-commission officers included. 2. That a sum not exceeding 653,216*l.* 10*s.* 1*d.* be granted to his Majesty, for defraying the charge of the said 17,709 men."

The first of the above Resolutions was agreed to by the House, without any new debate, but upon putting the question as to the second,

Mr. *Walter Plumer* stood up, and spoke as follows:

Mr. Speaker; There was last night such a long debate upon the first of these Resolutions, and such a disturbance upon the second, that I could not then have an opportunity to speak to it. I hope therefore, Sir, that the House will now indulge me with a little time to give my sentiments even as to this second Resolution. Sir, it is highly necessary for the good and welfare of this nation, that every farthing of the charge which the people are put to should be publicly known, and fully considered by this House; the nation ought not to be cheated, and made to believe, that the maintaining of this 18,000 men cost them only 653,000*l.* when in reality it costs them a great deal more. Besides the money that is raised among the people, and paid into the hands of the government, for maintaining this Army, there is not an innkeeper, an ale-house, or a brandy-shop in the nation, but what pays a very great additional tax, by way of Quarters for the officers and soldiers.

But there is still, Sir, a much greater evil arises from this hidden way of raising money upon the people. It is, Sir, an arbitrary and an unequal way of raising money, and consequently affords to those who have the management of the Army, an opportunity of oppressing some people, or some parts of the nation. If any country, if any borough in this kingdom disobliges those in power, by sending representatives to this House, who do not vote as the ministers would have them, it is in the power of the government, even without any pretence for so doing, to send a great number of the regular forces to be quartered upon that county, or that borough; by which means a much greater sum is raised upon the people of that county or borough, than is proportionally raised in any other part of the nation; nay, even if any private inn-keeper, or ale-house man in any county or borough shall give a wrong vote at the election of members of parliament, it is in the power of the government, by means of the justices and the constables who are named by them, to oppress that man, by quartering more soldiers upon him, than are in proportion quartered upon any one of his neighbours. These are Grievances which the nation justly complain of, and we ought to consider how they are to be redressed.

Sir *William Strickland* replied,

Sir; The honourable gentleman, who spoke last, seems, by what he has said, to bring a charge against me, or at least against those who have been in the office which I have the honour to be in at present. For my own part, Sir I can safely declare, that ever since I came into that office, there has been no favour shewn

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to any one part of the country, nor to any one man in the nation; we have never so much as thought of having a regard to any thing, but to that of cantoning and quartering the troops into such places, as were most easy for the country and most convenient for them; unless when the safety and security of the nation in general required the marching of a number of them into any particular country. This, Sir, has been the method ever since I came into the office: It shall be the method as long as I continue in it; and I firmly believe, that the same method was always observed by my predecessors in office.

Mr. *Edmund Waller* said,

Sir; I do not know what method has been observed in cantoning and quartering the Troops, but I know that the country complains heavily of the oppressions they lie under upon that account; it is but a little time ago since some of my own tenants came and told me, that they should be ruined by the dragoons that were quartered upon them; they had not, they said, a lock of hay but what they were obliged to give to the soldiers; so that all their own cattle were in danger of being starved. For, Sir, in all countries were the soldiers come, they and their horses must be first served, and with the best of every thing too; and what is still worse, the poor people are often obliged to serve them at their own prices.

Mr. *Henry Pelham* answered Mr. Waller:

Sir; As I had the honour to serve for some time in that office, and particularly at the time mentioned by the honourable gentleman who spoke last, I think it necessary to say something upon the present occasion. I remember very well, that gentleman did make some complaints to me; but I remember likewise, and he must also remember it, that I told him that the review, which at that time was the occasion of bringing so many of the forces into that country; and as soon as that was over they were sent elsewhere, and that gentleman's tenants, in particular, were relieved from any hardship they might think they lay under upon that account. During the whole time that I was in that office, there was never any such complaint made to me, but that I immediately ordered relief to the persons who thought themselves aggrieved, or gave them such reasons why I could not give them relief, as they seemed to be satisfied with. In such cases I never had any respect of persons; so far otherwise, that I have often given relief at the desire of those with whom I never did vote in this House, nor I believe ever shall; and have ordered those very troops to be sent and quartered upon those, with whom I have always agreed in opinion.

Mr. *Plumer* spoke again as follows:

Sir; I am sorry that what I proposed only for the relief of the public, should be turned into a personal dispute, or that gentlemen should begin to vindicate themselves before they are accused. I did not say, that the honourable gentleman now in the office, or that any gentleman that has been in that office, used any unjustifiable methods in that respect, to favour one party in the nation more than another; all that I said, and I say so still, was, that such methods may be practised, such means may be used for oppressing those who happen to differ in opinion from the chief men in power; and such means being of dangerous consequence to our constitution, they ought to be guarded against and prevented if possible. The Army, Sir, is supported, I hope, and maintained for the service of all, and therefore all the subjects of the nation ought to contribute equally to the expence of maintaining it. There is not a soldier quartered upon an Inn-keeper in town or country, but what costs that Inn-keeper near as much as he costs the government; so that if we were to raise all the money by parliamentary authority, that is necessary for maintaining the great Army we have, I am afraid we must raise near double the sum that is proposed.

Mr. *William Pulteney* spoke next:

Sir; I was afraid at the beginning of this debate, that Barracks were to have been proposed; I am glad to find it is not so. I am, indeed, as much as any person for giving relief to that part of our poor oppressed subjects, the Innkeepers and Victuallers; for since I find that an Army is like to be a part of our Constitution, I think it very just and reasonable, that the expence of maintaining them should be laid as equally as possible upon the whole people of the nation. But, Sir, I must observe, that the same money that we raise for maintaining 18,000 men, would maintain 60,000 men of regular forces in France, Germany, or any other country in Europe, according to their way of regulating their armies. I know, Sir, from whence our great expence proceeds: it is from the great number of Officers maintained in our Army; we have so many regiments, and so few private men in each regiment, that really a great part of our Army are commission or non-commission officers, which makes our army so expensive to us, and at the same time makes it more dangerous to our constitution. I have been assured that 100,000*l.* English money per annum will maintain 10,000 men of the armies of France or Germany, or any other troops but our own: and I have been told, I do not say that I remember, or that I can depend upon my author, that the 12,000 Hessians, which we have so long maintained, were maintained for less than that sum yearly.

Sir *Robert Walpole* replied:

Sir; I wish the gentleman, who spoke last, would give us his author for the fact mentioned; let him be who he will, I know the story to be false: but it is the common way of scandalizing the government, to invent and spread false reports through the country. The stipulation for the 12,000 Hessians was made, Sir, upon the same footing that all such stipulations were made during the last war; there was not a penny less stipulated to be paid for

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them, than what was agreed to by the House, and the whole money was yearly advanced them, according to the Accounts that have been laid before the House.

General *Wade* * spoke as follows:

Sir; Those who are acquainted with the method of maintaining a German army, will not envy them the happiness of maintaining their troops at so cheap a rate as they do. It is well known, that what they come short of ours in pay, they do more than make up by plundering, oppressing, and raising contributions upon the countries where they are quartered. When I was in Italy, Sir, I had the honour to be invited to dine with one of the German generals, who commanded in that country: when I came to the palace where he had his quarters, I found the hall and the avenues leading thereto full of country people, some with wine, some with beer, some with bread, some with fowls, some with pigs, and God knows how many other things; I could not imagine what all this meant; but when we came to sit down at table, I found such variety of dishes, such variety of wines, so magnificent attendance, and so sumptuous an entertainment every manner of way, which at the same time I was told to be the General's ordinary way of living, that I was very much surpriz'd; and after dinner, over a glass of wine, I took the liberty to ask the General, "For God's sake, 'Sir, how are you able to live after this rate? 'for it would break any of our English Gene-'rals to live in so splendid a manner; our 'pay could not support it.' 'Pay, Sir, says 'he, Why I have none upon this account from 'the Government; all this comes from the 'country where I am quartered, which they 'are obliged to furnish me with for nothing; 'I have, Sir, seven miles of the country round 'allotted to me for supporting my table.' Then, Sir, I guess'd at the meaning of all those country people's being in and about the hall; I found they were all come with their peace-offerings to the General: at this rate, Sir, a German officer does not stand in need of much pay from the Government; but I hope the kingdom of England will never be served at such a rate.

Sir *William Wyndham* spoke next;

Sir, I do not know what may be the methods by which the Germans or French maintain their armies; but let their manner be what it will, I am sure that the expence we are now at for maintaining our army is much greater than necessary; nay, Sir, much greater than was usual, even among ourselves for maintaining an equal number of men. I know that during the last war 18,000 of our troops were maintained abroad for 400,000*l.* per annum, and both the officers and soldiers had the same pay they have now; it is true, it may be said, that this body of men did not cost so much, because there were no guards among them; but I know, Sir, that 12,000 men, guards and garrisons included, were maintained at home for between 3 and 400,000*l.* per annum; out of which sum were paid, the general's money, waggon-money, contingencies, and all other items whatever, any way appertaining to the army. Considering the state this nation is in at present, and the heavy debts it is loaded with, I think no proper method for saving the public money ought to be neglected; if we must maintain an army, let us maintain it at as cheap a rate as possible. Even 100,000*l.* per annum would make no small figure, if added yearly to the sinking fund: I hope, therefore, this affair will be thought on, and taken into consideration when we meet next year.

After this the question was put, and the above resolution was agreed to.

The Pension Bill brought into the Commons.] Jan. 25. Mr. Sandys presented to the House a bill, "For making more effectual the laws in being, for disabling Persons from being chosen Members of, or sitting or voting in, the House of Commons, who have any Pension during pleasure, or for any number of years, or any offices held in trust for them;" and the same was received, and read the first time.

Debate in the Commons on the Bill for securing the Trade of the Sugar Colonies in America.] Jan. 28. Mr. Winnington presented to the House a Bill, "For the better securing and encouraging the trade of his Majesty's Sugar Colonies in America, which was received and read the first time, and ordered to be read a second time. Hereupon,

Mr. *Perry*, Member for London, said, That this Bill was of such a nature, that all our colonies in America are some way or another concerned therein; That it was of the utmost consequence to the trade and navigation of this kingdom, and therefore ought to be maturely considered, not only within doors, but likewise by all those without doors who understand any thing of trade, and have a regard for the prosperity and welfare of their native country; and that all such might have an opportunity of giving their sentiments upon this occasion, he moved, That the Bill might be printed. This motion being seconded and agreed to by the House, the Bill was accordingly ordered to be printed.

Mr. *Winnington* spoke next;

Sir; As this Bill is of very great consequence to the trade of this nation in general, and to the well-being of our settlements, either upon the continent or in the islands of America, we ought to consider the particular trade and produce of every one of our settlements; and therefore, that we may have as much insight into this matter as possible, I move, That the

* "This gentleman, from having seen some service abroad, was now in a fair way of being at the head of his profession, and his rise from a very mean original was owing more to courtly, than military, qualifications. He was naturally generous, and, though not void of understanding, was extremely bigotted to his own notions, and a very aukward speaker."

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Representations sent over from our several Colonies, and laid before the honourable the Commissioners of trade and plantations, may be laid before this House, before we go upon the second reading of the bill.—Mr. Winnington was supported by

Col. *Baden*, who spoke as follows:

Sir; There have been several representations sent over to his Majesty from our settlements in the West-Indies, which representations have been referred to the board of trade to be considered by them, and for them to report their opinion upon the matter therein contained to his Majesty: Some of them we have already considered, and have given our opinion upon them; but there are others that we have not as yet had time so thoroughly to consider as to be able to give any opinion upon them; however, Sir, in these last we shall make all imaginable dispatch, and shall be ready to lay them before the House as soon as possible.

Mr. *Perry* spoke again,

Sir; As this is an affair of so great consequence, we ought not to be in any hurry about passing the Bill; we must wait till we have all those materials, which are necessary for giving us a full information in the affair before us. There is particularly in the Bill, as now brought in, a clause about Lumber, which in my opinion will do more harm to the trade of most of our colonies, and consequently to the trade of this nation, than all the other clauses can do good; but I shall have another opportunity, I hope, of giving my sentiments fully upon this head, and therefore I shall not trouble the House with them at this time.

Mr. *Sandys* said,

Sir; This Bill was last session of parliament a long time before this House; there is no clause in the bill now brought in, but what was in the former, and every one of them was then fully considered and particularly examined into. The Committee, that was appointed last session of parliament for drawing up the Bill, were no less than three months about it; in which time they certainly had under their consideration every thing, that could possibly be thought of for giving them any light into the affair. I believe there is no gentleman in this House, but what is persuaded that some measures ought to be taken, and speedily taken too, for giving an encouragement to our Sugar-Colonies, so as to enable them to carry on a trade, at least, upon an equal footing with their rivals in the Sugar-Trade. The only reason of the Bill's not passing, which was brought in last session of parliament, was that they had not had time in the other House to consider the affair so fully as they thought was necessary; I have been informed, that some of the members of the other House even complained, that it was hard that we did not allow them three weeks to consider of an affair, that we had been above three months in examining into. As the Bill now before us contains nothing but what was in the former Bill, which was so fully considered as to pass through this House, I am therefore of opinion, that there is no occasion to make any delay in the passing of this Bill, or to wait for any farther information in the affair; for I am persuaded we can receive none, but what has been already laid before this House, and fully considered in the passing of the former Bill.

Mr. *Oglethorpe* spoke next.

Sir;

In all cases that come before this House, where there seems to be a clashing of interests between one part of the country and another, or between one set of people and another, we ought to have no regard to the particular interest of any country or set of people; the good of the whole is what we ought only to have under our consideration: our colonies are all a part of our own dominions; the people in every one of them are our own people, and we ought to shew an equal respect to all.

I remember, Sir, that there was once a Petition presented to this House by one county, complaining, that they were very much injured in their trade, as to the sale of beans, by another; and therefore they modestly prayed, that the other county should be prohibited to sell any beans.

Such things may happen, I hope it is not so at present, but in the case, before us, if it should appear, that all our plantations, upon the continent of America, are against that which is desired by the sugar colonies, we are to presume, at least, that the granting thereof will be a prejudice to the trade or particular interests of our continent settlements; and, surely, Sir, the danger of hurting so considerable a part of our dominions, a part so extensive as to reach from the 34th to the 46th degree of northen latitude, will at least make us incline to be extremely cautious in what we are going about.

I shall be as ready as any man, to give all possible relief and encouragement to our sugar colonies; but if the relief or encouragement asked for appear to be an injury to the whole, or if it appears that it will do more harm to the other parts of our dominions than it can do good to them, we must refuse it; we must think of some other methods for putting them upon an equal footing with those, who are their rivals in any particular branch of trade.

We may form some judgment, Sir, from the appearances that were before us last session of parliament: but we may form a much more distinct judgment of things from what may be brought before us now. Some of those, concerned here for our settlements upon the continent, seemed last year to be indifferent; they seemed in some manner to give the affair up, I believe without any good authority from their constituents; but now the colonies themselves have had an opportunity to consider the affair then before us, and to send over their thoughts upon the subject in a proper and authentic manner; their true and real sentiments will best appear from the representations they have sent over; and till

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these are laid before us, we cannot give our opinions, either as to their inclinations, or as to the weight of the objections that they may make.

I must say, Sir, to the honour of the gentlemen concerned in the Board of Trade, that they are as exact and as diligent in all the matters which fall under their province as any board in England; they have much more business than most others, and their business will be daily increasing, in proportion as our colonies increase in riches and in power. It is already one of the most useful boards we have, and as long as the same good conduct is pursued, it will always be of great benefit and advantage to the trade of the British dominions.

After this debate, it was resolved, "That an humble Address be presented to his Majesty, that he would be graciously pleased to give directions to the commissioners for Trade and Plantations, to lay before the House, Copies of all Representations and Papers, which had been laid before them, since the last session of parliament, relating to the Dispute between his Majesty's Sugar Colonies and Northern Colonies in America."

Debate in the Commons on a Motion for appointing a Committee to inspect and settle the Fees of the House.] Then Mr. Wyndham, member for Dunwich, moved, "That a Committee be appointed to inspect and settle the Fees to be taken by all the officers and servants of their House, and to examine what salaries or allowances they had from the government, and to report the same, with their opinion thereupon, to the House." Hereupon

Sir *William Yonge* spoke as follows:

Sir; Considering how much business of great consequence now lies, or may probably come before this House during the course of this session of parliament, I do not think that we ought to take up the time of the House with any matters of such a trifling nature. If any complaint had been made to us of any exactions or exorbitant fees taken by any of our officers or servants, it would have been our duty to have inquired into it, and to have given all proper redress; but as there has been no such complaint made, at least I have heard of none, I can see no reason why we ought to enter at present into such an inquiry. —To this

Mr. *Wyndham* replied:

Sir, I made this motion, not expecting indeed that it would have been opposed by any gentleman in the House, and therefore I did not think it was necessary for me to give any reasons for making the motion; but now that I am called upon, I must say, I believe, Sir, it is well known, that there are very great complaints without doors of the extravagant charges and expences that people are obliged to be at in passing private bills, or in carrying any other business through either House of Parliament; I do not know where the fault lies, perhaps it may be in the other House, but let them look to themselves, we ought at least to take care that there be no ground for any such complaint in our House. We are not to wait till a regular complaint be made: few will venture to complain in form, because no man knows how soon he may be obliged to come back again; and when any exactions are made they are singly considered so inconsiderable, that no man thinks it worth his while to complain; but many trifles amount to a sum, and such things generally grow worse and worse when not looked after and inquired into: if there be any evil, what I have proposed will be an effectual remedy; I shall be sorry if my motion is not agreed to; but I will at least have the pleasure of having made it and thereby done what was in my power for preventing any evil that may ensue.—Upon this,

Mr. *Speaker* stood up, and spoke as follows,

Gentlemen,

Since my time, I know of no exactions nor any exorbitant fees that have been taken; I have been as careful as possible in this point, and have always made as close inquiries as I could. I remember some time ago, I found that a guinea was usually given to my secretary, upon the giving out the warrant for writs, whereas the old fee was but ten shillings; I thereupon ordered expressly, that he should not receive any more upon such occasion than the old fee of ten shillings; and to prevent all pretence of giving or taking what is commonly called expedition-money I ordered that even this fee should not be charged or paid till after the election was made and the oaths taken upon the return of the writs. I likewise have observed, that the clerk of committees usually got a guinea, in place of the old fee of 13*s.* 4*d.* This I also have endeavoured to rectify, though it must be granted that in most cases, even a guinea is a reward small enough for his trouble and attendance upon such occasions. But I believe that this motion was made, not so much on account of any abuses that have been lately committed, as to prevent any such in time to come, which ought to be every gentleman's care, and shall be mine, in particular, as long as I have the honour to be in the place where I am.

Mr. *Sandys* spoke next:

Sir, I am persuaded, that it has always been your particular care, that no imposition should be made upon any of the subjects, who have happened to have any business before this House; and I believe no gentleman thinks that we have any occasion for such a committee, as hath been proposed, on account of any late exactions or exorbitant fees; but now that an inquiry into the fees taken by our own servants has been proposed, I am afraid it may be some imputation upon us, not to agree to the motion. Considering how many years ago it is, since the fees to be taken by the servants of this House have been settled, I do not doubt but that some of them may now be found to be too small; and if this affair be referred to a committee, I think they ought to increase those

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which they judge to be too small, as well as to diminish those which they may think extravagant.

Mr. *Walter Plumer* said,

Sir, I look upon this motion to be a very proper one at present, and I hope the house will agree to it: because I think, Sir, we ought to search whether or no there be a beam in our own eye in order to pull it out, before we begin to pull out the mote that is in another's. I presume the honourable gentleman, who made this motion, made it only as a prelude to something of more consequence; I hope, after we have examined into, and settled the fees to be taken by our own clerks and servants, we shall next proceed to examine into, and settle the fees to be taken by the officers, clerks and servants of all our courts of law. As to the fees of this House, I do not know what may be the case, but I am sure that the other is a very great grievance, and loudly complained of by the whole nation. We have had printed lists of all those fees laid before us: as yet we have gone no farther but only to receive them; but those who brought them in have gone a little farther; they think they may now, by authority of parliament, exact all the fees, at least, that are mentioned in those lists, and from thence they have taken occasion, even to encrease several of their fees much beyond what they had formerly any authority for; so that unless we proceed farther, and make some proper regulations as to all those lists of fees that have been laid before us, we have by calling for them, done rather an injury than a service to our country. I shall therefore be for agreeing to the motion now made, on purpose that we may, with decency, proceed to the inquiring into and settling the fees, that are to be taken in all the courts of law, and other offices in the nation.

Mr. *Winnington* stood up, and said,

Sir; According to the order of this House, a List of the Fees usually taken by every clerk and servant belonging thereto, has been brought in, and has been, I believe, perused by most members of the House. I do not hear that any objection is made to any of them, or that it is pretended that more has been at any time taken; I therefore do not see what use there is for a Committee in this affair; I believe if we order them to be printed, and copies to be fixed up in the public offices belonging to the House, it will be sufficient for preventing any exorbitant demands in time to come, and will be as effectual as any thing that can be done by a Committee. I suppose the gentlemen have some farther design in this matter; but if they have, I think they may proceed upon it, without giving the House any needless trouble as to the Committee now moved for.

Mr. *Pulteney* answered,

Sir; I was not at all in the secret as to this motion; I did not know any thing of what farther design there may be, so that I am sure I cannot in this affair be any way a blabber. I agree with the honourable gentleman who spoke last, as to the ordering the List of Fees to be printed; let them be printed and published, and if my worthy friend pleases, let them be printed in the Free Briton* too: But I cannot think, Sir, that we ought to rest satisfied with the List delivered, without inquiring any farther about the matter; because a List of Fees has been delivered in, we are not surely from thence to conclude, that no greater fee has ever been taken than what is mentioned in that List: exactions are always made in a private clandestine manner; such secrets may be discovered by a Committee, but we are not to expect that ever the authors of such will, in a public manner, come voluntarily and give the House an information of the crimes they have been guilty of. It is well known how terrible parliamentary inquiries are to those who have been guilty of any iniquity: and though by the inquiry now moved for, no iniquity shall be discovered, yet the terror of it will remain, and will be a bar to extortion for a long time to come.

Then the question being put, it was carried in the affirmative, and a Committee was appointed accordingly.

Debate in the Commons on a Petition of Sir Thomas Lombe relating to his Silk Engine.] The same day a Petition was presented by sir Thomas Lombe, alledging, "That he had, at his own expence, and with the utmost difficulty and hazard, discovered and introduced into this kingdom the art of making fine Italian organzine or thrown silk out of fine raw silk, by large engines of a most curious and intricate structure, which commodity was absolutely necessary to carry on our silk weaving trade, and was formerly bought with our money, ready worked in Italy: That his late Majesty had granted him a patent for the sole making and using the said engines for the term of 14 years; but that several years of the said term was expired before he could finish the said engine, and by reason of other difficulties, the whole term was almost expired before he could bring the manufacture to perfection; and therefore praying that the House would take his case into consideration, and grant him a farther term of years for the sole making and using the said engines, or such other recompence or relief as to the House shall seem meet." Upon this

Mr. *Perry* stood up and said, That he knew that the Petitioner had been at a very great trouble and expence about the setting up of that engine; and that a great part of the term granted by the patent had passed, before any advantage could be made of that most useful invention, and therefore he moved, That the Petition should be referred to the consideration of a Committee.

Mr. *Oglethorp* added, That since the Petitioner had, at his own expence and hazard, in-

* A news-paper then printed in defence of the ministry.

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troduced a most useful and necessary manufacture into this kingdom, he certainly ought to meet with all proper encouragement: That one engine was now set up and finished in the town of Derby, by which that whole county was improved, and many of their poor employed, who probably would have otherways been a burden upon their respective parishes: Therefore he seconded the motion for referring the Petition to a Committee.

Sir *Thomas Aston* said, That patents had always been looked upon as prejudicial to the trade and manufactures of this kingdom, more especially when continued for any long term of years; for which reason their ancestors had been so wise as to make a law against the granting of any patent for a longer term than 14 years; and it would be a dangerous precedent for them to prolong the term, or to grant a new term to any patentee: That the Petitioner had enjoyed the benefit of his patent several years, had carried on a vast trade under the same, and had thereby acquired a great deal of riches, which he thought was a sufficient recompence for the charge or hazard he had been at: That the prolonging of the term would not only be to prevent the nation's making any benefit of that invention, but also to give the Petitioner a farther opportunity of disturbing all other inventions, works or engines, any way resembling his, which would be a great discouragement to all new improvements or manufactures, and consequently of dangerous consequence to the trade of this nation; therefore he could not but be against even referring the Petition to the consideration of a Committee.

Sir *John Rushout* said, 'That as no man was intitled to a patent, but he who introduced some new invention or manufacture into the kingdom, he did not know, whether the petitioner had at first any title to a patent; for that to his knowledge there had been, in the parish where he lived, some such manufacture for upwards of thirty years. However, supposing that the petitioner had at first a good title to a patent, yet he could not think that there was any reason for renewing the term; but as all these things would properly come under the cognizance of the Committee, therefore he would not be against referring the petition to the consideration of a Committee.'

Mr. *Perry* stood up again, and spoke as follows:

Sir:

The petitioner, sir Thomas Lombe, happening to have a brother whose head is extremely well turned for the mechanics, and both of them being well informed of the great charge, that this nation was yearly put to in the purchase of that sort of Italian thrown-silk called organzine, and that the same was all made within the dominions of Savoy, by the means of a large and curious engine which had been set up and kept at work for many years in that country, but had been kept so secret, that no other nation could ever yet come at the invention; they resolved to make an attempt for the bringing of this invention into their own country. They knew that there would be great difficulty and danger in this undertaking, because the king of Sardinia had made it death for any man to discover this invention, or attempt to carry it out of his dominions; however, the petitioner's brother resolved to venture his person for the benefit and advantage of his native country, and sir Thomas was resolved to venture his money, and to furnish his brother with whatever sums should be necessary for executing so bold and so generous a design. His brother went accordingly over to Italy, and after a long stay, and a great expence in that country, he found means to see this engine so often, and to pry into the nature of it so narrowly, that he made himself master of the whole invention, and of all the different parts and motions belonging thereto. After his return to England, sir Thomas, who knew the excellency of his brother's genius, and could depend upon his word, was convinced that he was fully master of the thing, and therefore he chearfully agreed to supply whatever expence should be necessary for setting it up in England; but that he might have the same advantage, that other persons have and are intitled unto upon such occasions, he applied and got a grant of a patent from his late Majesty in the year 1718. This engine is so large, and there are so many wheels, motions, spindles, and other things belonging to it, that it was three years after he had obtained his patent, before he could possibly finish the engine. After the finishing thereof, he could make no benefit thereby, till he had procured and instructed a sufficient number of persons how to work the same; and before he could do this, his Sardinian Majesty had got an account that the engine was set up in England, and he was so sensible of the disadvantage it would be to his country, to have that sort of thrown-silk made in any other part of the world, that he immediately prohibited the exportation of raw-silk out of his country; and before sir Thomas could fall upon any way of getting a sufficient quantity of raw-silk stole out of that country, so as to make any advantage of his engine, the term of his patent was within a very few years of being expired, from which we may conclude that it is impossible, that he could as yet have got a sufficient recompence for the hazard and expence that he has been at. There might have been before, there may be still, some other sorts of twist-silk made in England; but there never was any such as Organzine made, nor was there ever any such engine in England, as this that has been brought in and set up by the petitioner and his brother. Those who are expert in the silk-manufactures know well the difference between the Organzine and any other sort of twisted-silk, but gentlemen who have not narrowly examined into the affair may be mistaken; but as to the engine, the difference between it and any other may be easily discovered: It is a very large engine, which is first moved by water, by the

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means of which first motion a great many wheels and spindles are set a moving, and thereby great quantities of silk are twisted in a much finer manner, and by much fewer hands, than can possibly be done by any engine that was ever yet invented.

Mr. *Barnard* spoke next:

Sir; The chief reason why the petitioner has never yet been able to make any great advantage of his invention is, that no raw silk is proper for his purpose but the Italian, so that he could have but very little, except what was privately stole out of the dominions of Savoy. He has been at the expence of making several experiments of the Turkey raw silk, but has always found that it is impossible to make good organzine of that sort of silk. He has likewise tried the raw silk brought from China, and he finds that it would do as well as the Italian, but then the company keeps it at so high a price, that it will not answer; what may be the reason of the company's keeping that silk so dear, I know not; I can find no other reason for it, but only the great profits that company are resolved to make of every thing which they have an exclusive privilege for dealing in. I am sure they purchase it in the country at a very cheap rate, and the danger or expence of bringing it home cannot be so great, but that they may sell it at a more reasonable price. The petitioner has likewise made some experiments of the raw silk that has been produced from Carolina, which has answered extremely well; and if there were enough of it, we should not perhaps be obliged to lay out so much of the nation's money on the purchase of Italian raw silk, nor should we have occasion to trouble ourselves much about the prohibiting of the exportation of their raw silk; but as yet there is but very little silk produced from Carolina, so that the petitioner could not make any advantage thereby, I do not know what this House may judge to be a proper recompence to the petitioner, for the hazard and expence he has been at; but whatever resolutions may be made in this affair, all possible care ought to be taken for preventing the invention's being carried out of this country. If we can keep our neighbours from stealing it from us, it will be a great encouragement to several branches of our silk manufacture trade, we shall have the benefit at least of supplying most of them with that sort of thrown silk called organzine.

Mr. *Ogle thorp* stood up again, and said,

Sir: The act for confining the king's patents to the term of 14 years, was made in the reign of king James I. The bubbles and monopolies which were erected, and the many enormities which were committed about that time and for some years before, had become a public grievance, and was loudly exclaimed at; and the reason for making that law, was to prevent the setting up of any such bubbles or monopolies for the future. The petitioner has never so much as endeavoured to make a bubble of his affair, nor has he ever grasped at the setting up of any unlawful monopoly. He pretends to nothing else but what every author of a new invention is reasonably intitled unto, that is, to have the sole use of his own invention for so long a time, as may be a just recompence to him for the hazard and expence he has been at, in bringing his invention to perfection. If he can shew to this House, that he has not yet had such a recompence as is sufficient, we are not confined by the former law; we not only may, but we ought, to bring in a Bill for prolonging the term of his patent, or we ought to grant him such other recompence as may be deemed proper and reasonable. Raw silk may be bought even in this country for 16*s.* per pound, but when that very raw silk is manufactured and made organzine, it sells for 24*s.* per pound; the difference, which is fifty per cent. is all clear money got to the nation; the 8*s.* per pound, which is added to the price of that commodity, is all clear gain to us, because it is added by the labour and industry of our own people; and since this gain can be made only by the means of this engine, we must grant that this gentleman has, at his own hazard and charge, brought home a very useful and profitable branch of trade to his own country, for which he certainly deserves a recompence. If he can shew that he has not as yet a recompence by means of the patent granted to him, either because of the difficulty of bringing his invention to perfection, or because of inevitable accidents that have occurred, his case ought to be considered; and the only proper way to inquire into this matter, is to refer his petition to the consideration of a Committee.

Mr. *John Drummond*, member for Perth, said,

Sir: I shall only take notice that since the time that this gentleman's invention was brought to perfection, our exports of gold and silver lace have increased to a great degree; the reason of which is, that the sort of twist or thrown silk, that is made by the means of his engine, is the only proper silk that can be made use of in the manufacture of gold and silver lace; and we having now that sort of silk in much greater plenty, and much cheaper than we ever had it before, our manufacturers in such laces have been able to sell those manufactures much cheaper than they were ever sold before in this country, from whence has proceeded the great increase of our exports of that commodity; and when there are such quantities exported, we may depend upon it that there is very little, if any, imported, notwithstanding that there is perhaps more of it now wore in this country than ever was before. This I take notice of, Sir, because I look upon it as an improvement in our manufactures, that is intirely owing to this gentleman's invention.

Then the above petition was referred to the consideration of a Committee: A Bill passed afterwards, in this session, for allowing sir Thomas Lombe 14,000*l.* as an encourage-

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ment for his useful invention, but without renewing his patent.

Debate in the Commons respecting the Out-Pensioners of Chelsea-Hospital.] The House having resolved itself into a grand Committee, to consider farther of the supply, a motion was made, "That 25,348*l.* 2*s.* be granted to his Majesty, upon account for Out-Pensioners of Chelsea-Hospital for the year 1732;" which being seconded,

Mr. *Pulteney* spoke on that occasion as follows:

Sir,

I do not now rise up to make any motion: but I think I am, in duty to my country, in duty to those who do me the honour to give me a place in this House, bound to take notice of some Accounts or Estimates which have been laid before us, and which to me seem to be somewhat extraordinary. I must in general observe, that the estimates of the public expence increase every year: from year to year there is always some new article to be provided for, or some addition made to the old. If we at any time get free of an extraordinary charge, it always leaves some marks behind it; there is always some part of it remains, and is continued to be a burden upon the people: these small remains may be by some thought too inconsiderable to be taken notice of, but to me nothing seems to be inconsiderable that is a charge upon the people; these small remains and these annual additions, by thus yearly increasing, may come at last to be a burden too heavy to be borne.

I cannot now omit taking notice of the article of Chelsea-College; by the estimate now laid before us, that article appears to be heavier than it was last year. During the last war this nation maintained near 200,000 men, of which near 90,000 were national troops, yet towards the end of that war, the Pensioners of Chelsea College did not amount to above 2,000, whereas if we include the regiment of invalids, and the several independent companies of invalids, they now amount to above 4,000 men. I do not doubt but the commissioners do whatever they can to examine, and to admit none but those, who by the rules of that Hospital appear to be intitled to be taken in. I likewise know how many solicitations they must daily meet with, and how hard it is in most cases to refuse them; yet for the sake of their country they ought to be extremely cautious in this respect; there may be many who are by the rules intitled to be taken in, and yet are not proper objects of charity and compassion either public or private. I know, sir, that there is a spirit, among the officers of the army, for having all their regiments look well to the eye; there is a sort of emulation among them, who shall have the most young and the best looked fellows in their regiment: this is the cause that many a brave old soldier is discharged, in order to make room for a spruce young fellow, who can powder his hair and dress so as to make a good appearance upon a day of review, though the old man be perhaps the better soldier of the two, and not only willing but able to serve his country for many years; yet he is discharged as unfit for service, and brought in as a Pensioner upon Chelsea College: they are admitted into the College as men old and infirm, yet when once they are got in, they seem to be immortal; their numbers never decrease; surely there are many of those immortal old men who live so long as idle Pensioners of Chelsea College, that might have served for a great part of that time as good soldiers even in a marching regiment, more especially in time of peace, when there is not the least occasion for their being obliged to undergo any great fatigues; their duty cannot be extraordinary, and their marches may be made as easy as they please. I remember that at the last scrutiny which was made into the affairs of that Hospital, in which a right honourable person had a principal concern, above one half of the persons, whose names were entered as Pensioners, could not possibly be found; and of those who were entered as letter-men, there were above 100, which was at least one half, discharged; I do not indeed know why there should be any entered in that character, I do not see that there is any necessity for it.

We have heard, Sir, a great deal of the fine roads lately made through the Highlands of Scotland, and I do not doubt of their being such as they have been represented; nor do I doubt but that the gentleman, who had the oversight and direction of them, has taken care to execute the design as faithfully and as frugally as was possible; but I cannot see what it was that made such a design so absolutely necessary: these Highlanders, it is true, were made appear terrible before they were known, but after we got a little more into their acquaintance, they appeared to be but men; and after they were disarmed, I cannot see that there was any great occasion for this extraordinary expence, for which I find there is now charged about the sum of 10,000*l.* but since we have been at this extraordinary and unnecessary expence, and that the Highlands are thereby made accessible, whenever we have a mind to send any troops into that country, there is certainly no farther occasion for the six Highland companies, which are kept up only for preserving the peace of that country; these six companies amount to above 500 men, and the maintaining of them costs the public much above 5000*l.* yearly; this expence may certainly be now saved, and all the service they do, or can possibly do, may for the future be performed by detachments from the regiments, which are kept in that part of the island. These things, Sir, I thought myself obliged to take notice of, but I shall make no motion, only I hope that they will be seriously considered, and that all proper methods will be taken for lessening the public charge as much as possible.

Sir *William Strickland* stood up and said:

Sir: I have had the honour to serve for some

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time at the board, for admitting pensioners into Chelsea-hospital; I can answer for it, that in all my time, and I believe I may say for several years before, all imaginable care has been taken, to admit none but those who were justly intitled to that public charity, or rather that public reward for long and faithful services: None have ever been admitted but such as had been disabled in the service, or such as had served their country for at least twenty years, and were discharged as unfit for farther service. The soldiers have always been obliged to bring certificates from their officers of the time of their service, or of the manner of their having been disabled in the service. We have been so cautious, that we have made the fellows strip to the skin, that we might examine them the more narrowly, and might be the better able to judge whether they were actually disabled and unfit for any farther service; and after such a strict inquiry, we could not in conscience, we could not in humanity, refuse to admit them.

Sir *John Rushout* spoke next:

Sir: It does appear strange to me, that notwithstanding our long peace, the number of those pensioners, and the charge the public is put to for maintaining them, should be every day increasing: twenty years services I must grant to be a long term, but yet it is not always a proper qualification; if a man enters young into the service, which most do, he may have been a soldier for twenty years, and yet very fit for service, or for any day labour; and if such a man be discharged, I see no reason why the public should be obliged to maintain him; he may work for his daily bread. The public ought not to encourage any man to live idle, if he can possibly earn a subsistance by his daily labour: I believe, Sir, there are many, who are now pensioners of Chelsea-hospital, who have wives and children, and who not only can, but do earn as much by their labour as might maintain them and their families; what they have from the public only contributes to encourage and support their extravagance: that hospital was never designed for such men; it was designed as a charitable relief only for those, whose great age, or great sufferings in the public service, had rendered utterly incapable of maintaining themselves by their daily labour, and such only can regularly be admitted as pensioners upon the public.

Mr. *H. Pelham* answered:

Sir: I have had the honour to be one of the Chelsea board for some years, and am very certain that ever since I had any concern in it, there have been few or no impositions ever put upon the Commissioners; I could never indeed discover that any one man was admitted, who was not justly intitled thereto. The worthy gentleman, who spoke last, is mistaken, if he thinks, that the number of the pensioners of that college is this year increased, upon the contrary the number is diminished: there are twenty-two pensioners less this year than there were the last; it is true, the sum charged for that hospital is larger now than it was last year, but that proceeds from this being leap-year, so that there is a day's subsistance for the whole number of pensioners more than there was last year, which amounts to a much larger sum than the savings, by the decrease in the number of pensioners does amount to.

As for the great increase of pensioners upon that college within these few years past, it is very easy to account for it, because there were some time ago two or three regiments brought over from Gibraltar and Port-Mahon, that had been in garrison in those two places for 15 or 16 years, in all which time there had been few or no men discharged upon account of age or infirmity, from either of those regiments; the reason of which, I suppose, was the great expence of sending them home, and carrying over fresh recruits in their room: these soldiers having but very little fatigue, the officers found means to make them perform all the duty that was required of them, while they remained in garrison: but upon their being brought home, the change of the air, added to their own age and infirmities, made most of them entirely unfit for a march, or for any duty whatever; and it being then easy for the officers to supply their places with young men that were fit for service, great numbers of them were discharged, so that I may say, that the most part of those two or three regiments came all upon the hospital at once. Another reason, Sir, that has contributed much to the increase of those pensioners, is, that there is as yet but a very bad provision for decayed soldiers in the hospital in Ireland, which is the cause, that whenever any regiment is brought over from that country in the course of changing, the old and disabled men, who while in Ireland, did all they could to conceal their age or infirmity, then begin to solicit, and often obtain a discharge and certificate from their officer, in order to get themselves entered as pensioners in Chelsea college: this has been a sort of grievance, but his Majesty is doing all he can to get it rectified, as he does with respect to every grievance as soon as ever he discovers it; and it is to be hoped, that he will have success in his endeavours as to this.

The worthy gentleman was in the right, when he said, that twenty years service was not always a proper qualification; it is not always allowed of as such; I have myself known several examples, when a sturdy well-looked man has come with a proper discharge and certificate from his officer, in order to be admitted upon the College, that the board have been so far from admitting him, that they examined him as to the method of his obtaining his discharge, and if it appeared that he had solicited the same, they have absolutely refused to admit him; upon the other hand, if it appeared that he had not solicited his discharge, but was willing to continue in the service, the board has sent him back to the regiment, with orders to his officer to receive him.

As to the new roads made through the highlands of Scotland, they are certainly of great use not only to that country, but to the whole

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nation, because of the easy access that is thereby made to and from the country; and the expence will appear to be very small, when compared with the great charges, that have formerly been brought in, for marching detachments through that country; one would be surprized to see the difference between the sums charged for the making of those roads, and the vast sums charged for some of those marches; and whoever will be at the pains to compare them together, must grant, that the honourable gentleman who had the direction of making those roads, has taken the utmost care to see the design executed in the most faithful and frugal manner, and that he has thereby done a piece of signal service to his country and to posterity.

Mr. *Pulteney* replied as follows:

Sir; I doubt not but all necessary precautions are taken, at present, as to the admitting of pensioners upon that college, but whatever strictness may be observed in the inquiries as to that affair, there may notwithstanding now and then an imposition happen; I believe the inquiries were made as strictly formerly as they are now, yet I know that some years ago there was one fellow got himself admitted a pensioner, as having had two of his ribs broke by a cannon ball, though it was afterwards discovered that the fellow's ribs were broke by a fall from a house, when he was serving the builders as a day-labourer. The roads made in the Highlands may be very good, that country may be thereby rendered accessible, but certainly the more easy access is made thereto, the less necessary it is to keep up the independent companies; and since we have been at the expence of making the country accessible, we may be relieved from the charge of maintaining those companies. I believe if the case were examined into, there is not so much money raised for the public service in all that country, as will pay only those independent companies, and I do not see any reason why the rest of the nation should be put to any farther expence that way; I have not as yet heard any reason given for it, nor has there any answer been made to my objection against that article of the public accounts. I know that, when accounts have been demanded of the produce of any branch of the revenue in that country, a right honourable person has been sometimes pleased to be facetious, and answer in the exchequer term *nichil*, but such affairs are a little too serious to be made a joke of. I have no great reason at present to expect any reduction in our standing army; but before I leave this subject, I must beg leave to add, that if ever this nation does arrive at the happiness of seeing a reduction, I hope his Majesty will take care that entire corps shall be reduced; for when reduction is made in the method lately observed, that is, by disbanding so many men in a company, the old men only are discharged, and as soon as they are discharged as soldiers, they enter as pensioners upon Chelsea College, so that the public can never save much by any such reduction.

Sir *Robert Walpole* stood up, and said:

Sir; I am surprised to hear objections made against the articles now mentioned; they really seem to be made for the sake of humour only; every one of the articles that have been objected against is in itself so necessary, and so much care has been taken in every one of them to reduce the public expence as low as possible, that it would seem as if gentlemen were resolved to find fault with something. As to the article of Chelsea College, I am persuaded, that all possible care has been taken to save the public money; no man has been lately admitted, but one who appeared plainly to be either a man who was grown old or infirm, or one who was actually disabled in the service of his country; such surely are objects of the public charity; and no man who has a regard for the service, or for the honour of his country, will grudge a poor subsistance to a brave man, who by serving the public has rendered himself incapable to serve or provide for himself. Twenty years service only, is not, it never was, a qualification sufficient by itself to intitle a man to be admitted as a pensioner upon Chelsea College; besides his service, every man who comes to be admitted, must have a regular discharge from his officer, and it is not to be presumed that any officer will discharge a brave old soldier, as long as he is in any way fit for service, even though he were to lose nothing by such a discharge; but we know that an officer is a real loser by every discharge he grants; what is allowed for levy-money is always paid to the officer, whether he has an occasion for any recruits or no; if he has no occasion for recruits, he puts it in his own pocket, and if the recruiting of his regiment comes to more money in a year than the allowance will answer, he must pay the surplus out of his own pocket; can we then imagine that any officer will discharge an able and a disciplined soldier, and thereby put himself to a great charge for a new man to be put in his stead, besides the trouble and fatigue which the officer must undergo to see such new men trained up to discipline? Such a supposition plainly appears to be unreasonable.

It is very true, Sir, that when I came first into the Board for Chelsea-Hospital, which was soon after the late Queen's death, there was a strict scrutiny into the affairs of that hospital, and by the consequences such scrutiny appeared to be necessary; for though we found the accounts all settled and signed by the former commissioners, yet upon examination we discovered, that there were no less than 7000 names put upon the list of Chelsea-pensioners, more than we could possibly find persons to answer to, and a great many of those persons who did answer to the names put upon the list were Irish, who had no title to have been admitted into that Hospital; yet if the change had not happened at that time, it is certain

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that the whole money charged would have been advanced and paid to the persons, that were principally concerned in inserting so many forgeries into that list: from thence we may judge how necessary a scrutiny was at that time, and what a large sum of money was saved to the public by such scrutiny. This, Sir, was one of the dark pieces of management in that administration, which never could be cleared up, at least it was never publicly avowed what was meant thereby. I remember likewise that at the time of that scrutiny, there was a great reduction among the Letter-men, yet that is no argument that it is not necessary to have any Letter-men at all; it is but reasonable that some poor fellows, who have served long as serjeants or corporals of horse, or gentlemen cadees, who have had the misfortune to be disabled in the service, should be allowed some sort of distinction, and have a little more pay than a common soldier, especially considering that such an allowance costs the publick but a meer trifle.

As to the roads made through the Highlands, I have heard them so much applauded by every body without doors, and the sum charged upon that account is so inconsiderable, that I wonder to hear any member of this House take notice of it. That there was a necessity for making such roads, must be evident to every man who considers the circumstances of the nation, and of that country in particular. It is well known that whenever any design was set on foot against the government, or any invasion intended, the first scene has been always laid in that country; that country was formerly so inaccessible, that the enemies of the government could safely land or rendezvous there, and could easily defend themselves till they found an opportunity of coming down to the low-country, and raising a disturbance through the whole nation. It is very true, that the men of that country are but men, they are in themselves no better than other men, and were terrible only because they could not be come at; from their inaccessible country they made inroads and plundered their neighbours, and when a sufficient force was raised against them, they retired again and took shelter among their inaccessible rocks and mountains, where it was impossible to come at them; this only made them terrible, but by the highways that are now made, this cause of terror is removed; their neighbours are made easy, and that country will no longer be a safe landing or parading place for those who come to attack us, nor will it be a safe refuge for those who fly from the justice of the nation.

Though these roads be now finished, and brought to a perfection far beyond what could have been expected in so short a time, or for so small a sum, yet, Sir, the Independent Companies are not thereby rendered unnecessary; I have been informed by every person, who has been in or knows the country and the nature of the people who are the inhabitants thereof, that the keeping of those Independent Companies in the country is by much the best method of keeping the people in order; and if those Companies were to be disbanded, and the service to be performed by detachments from the regiments in the low-country, I am sure the public would save nothing, for notwithstanding the highways that are now made, the marching of those detachments backwards and forwards, and the sending them provisions, which must be all sent from places in the low-country at a great distance, would cost the public full as much, if not more, every year, than the maintenance of those six Independent Companies now amounts to. As for what money may be returned from that country for the public service, I do not know; but it is well known that every part of that country pays the land-tax, and every other tax which they are subjected to by the articles of the union, and consequently they must certainly bear a part of the publick charge, and have from thence a just title to be protected and defended, as well as any other part of the nation; North-Britain is a part of Britain as well as South Britain is; it is the same country, and I hope in all the Resolutions of this House it will always be look'd on as such.

After this the Question being put on the said Motion, the same was agreed to.

Feb. 1. The above Resolution, being reported, was agreed to by the House.

The Proceedings relating to the Sale of the late Earl of Derwentwater's Estate ordered to be laid before the Commons.] Feb. 2. The Commons ordered, That the proper Officer do lay before them all such Proceedings, Papers, and other Instruments, as he had in his custody, relating to the Sale of the Estate of James late Earl of Derwentwater.

Petition from the Proprietors of the Charitable Corporation, complaining of the Mismanagement of their Directors.] Feb. 3. Sir Thomas Robinson presented to the Commons a Petition of the Proprietors of the Charitable Corporation,* complaining, "That by the most

* "The reader may remember, that in the last session, several Petitions were offered in the House of Commons against the Charitable Corporation. It now became a very serious affair; for their capital was now enlarged by a royal licence to about 600,000*l.* George Robinson, member of parliament for Marlow, was their cashier, and having a statute of bankruptcy issued against him, he disappeared, as did likewise one Thompson, who was the warehouse-keeper. It was soon found out, upon enquiry, that a most pernicious, though incomprehensible piece of villainy, had been carried on. In short, 80,000*l.* was all that could be discovered, to answer for a capital of 500,000*l.* It does not belong to this history to trace this black affair through all the particularities that did attend it; it is sufficient to say, that in pursuance of the enquiry set on foot by the Committee of the House of Commons, upon a

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notorious breach of trust in several persons, to whom the care and management of their affairs was committed, the said Corporation had been defrauded of the greatest part of their capital amounting to several hundred thousand pounds; and that all the Petitioners were become great sufferers thereby, and many of them reduced to the utmost degree of misery and distress;

Petition presented to them by the proprietors for relief, it appeared, that sir Robert Sutton, a member of the House, and knight of the bath, one of his Majesty's most honourable privy council, had been guilty, as one of the Committee for managing the affairs of the Charitable Corporation, of promoting, abetting and carrying on, several indirect and fraudulent practices, for which he was expelled the House.

"Nothing but the notoriety of the thing could have brought so severe a censure upon a gentleman, who, like sir Robert Sutton, had been distinguished by some of the eminent employments in the state, was amiable in his private character, and happy in his connections, his friends, his family, and fortune; even his enemies were privately of opinion, that indolence and inadvertency were the chief causes of his misconduct.

"The censure against sir Archibald Grant, another member of the House, was somewhat more harsh; for he was found guilty of having been concerned in copartnerships, in which the cash of the Corporation had been employed, and great sums lost and embezzled; and having been principally concerned in promoting, abetting, and carrying on, many other indirect and fraudulent practices in the management of the affairs of the said Corporation.

"Besides those two gentlemen, Denis Bond, and William Burroughs, esquires, Mr. George Jackson, Mr. Benjamin Robinson, Richard Wooley, and Thomas Warren, were found principally concerned in these frauds; and a Bill was brought into the House, to restrain all of them from going out of the kingdom for one year, or to alienate their effects, and to oblige them to discover the same.

"While this Bill was depending, Mr. Sandys, chairman of the Committee, acquainted the House, that sir Robert Sutton had told him, that he had received a letter from one Mr. Arbuthnot, a correspondent of his, at Paris, in which was enclosed a letter, from signior Belloni, a banker at Rome, directed to the Committee of the Charitable Corporation, or in case the Committee did not subsist, to sir Robert Sutton and others, informing, that Belloni had procured John Thompson, late warehousekeeper to the Charitable Corporation to be arrested and secured in the castle of St. Angelo at Rome.

"That the whole of this contrivance was a low artifice of the Jacobites, appeared not only from the whole complection of its conduct, but by the character of the persons employed to manage it. Arbuthnot the banker, was an avowed Jacobite. Sir Robert Sutton applied, in order to clear himself of all suspicion of being concerned with Thompson, to doctor Arbuthnot, the banker's brother, who at his request, prevailed with the banker to write to Belloni, who was well known to be the Pretender's banker and agent at Rome (as Arbuthnot was at Paris), to get Thompson secured. Belloni and Arbuthnot were the more pleased with this commission, because they were in hopes to manage it so, as to make the arrest of Belloni seem to be owing to the Pretender's zeal for having justice done to the English nation.

"The whole, however, was managed with great tenderness, and even favour, to Thompson; for though he had pretended to make a full discovery of all his effects, and even gave orders for delivering them up, yet these orders and all the papers he had executed, were to remain in Arbuthnot the banker's hands, till such time as the House of Commons or the Charitable Corporation should agree to the proposals of Thompson, who by this time, was, together with Robinson the cashier, adjudged by act of parliament to be guilty of felony. Besides this the proposals of Thompson, though complied with, would have been of very little service to the Corporation. But the strain of the letter from Belloni to the Committee, left no manner of room to doubt, that the whole was a contrivance of the Pretender and his adherents. The parliament easily saw through this, and both Houses having held a conference, it was adjudged, *nem. con.*, "That Belloni's letter is an insolent and audacious libel, attempting by false and insidious insinuations, to impose upon the parliament and British nation; and by specious pretences and professions of esteem, affection and compassion, to amuse the unhappy sufferers of the Charitable Corporation, with vain and deceitful hopes of relief; that the said paper is in itself, absurd and contradictory, conceived at the beginning in terms, and in the style, of power and authority, or as proceeding from some extraordinary interest and influence, but concluding in the person and character of a private banker of Rome, offering upon certain conditions, on the behalf of John Thompson, to deliver certain books and papers of the said Thompson; the contents, value and consequence of which, are unknown, without any offer to surrender the person of the said Thompson, although represented to have been arrested and detained in safe custody, from a sense of the frauds committed by him, and a due regard to justice. The conditions demanded and insisted upon by, and in behalf of Thompson, appearing at the same time to be loose, evasive and uncertain, tending to procure advantages and indemnity to himself and his accomplices, without any intention or prospect of benefit to the Corporation; and that this whole transaction appears to be a scandalous artifice, calculated purely to delude the unhappy, and to disguise and conceal the wicked practices of the professed enemies to his Majesty's person, crown

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and alledging, that some, who had been guilty of these frauds, had transported themselves to parts beyond the seas, and carried with them some of the books and effects of the said Corporation; and that there was great reason to believe, such an immense sum of money could not have been embezzled without the connivance and participation of others who continued here; and that the Petitioners were unable to come at the knowledge of their combinations, or to bring them to justice, without the aid of the power and authority of that House; and therefore praying, that the House would vouchsafe to enquire into the State of the said Corporation, and the Conduct of those who had had the care and management of their Affairs; and would give such Relief to the Petitioners, as to the House should seem meet."

Debate on the said Petition.] This Petition being read,

Mr. *Oglethorp* stood up and spoke as follows:

Sir; I am persuaded that this Petition will be received in a manner deserving of the unhappy case of the sufferers, and of the justice of this House: I can hardly suspect that any gentleman that has the honour to be a member of this House, will oppose giving all the relief we can to such a number of unhappy people, who have been so much cheated and injured; yet because I have heard it whispered without doors that we ought not to receive this Petition, upon account, as is pretended, that the Common Seal was not regularly affixed thereto, I think it necessary to take some notice of that objection, in case any such be to be made; I must say, that if there be any irregularity as to the affixing of the public seal of that Company to this Petition, it is in my opinion so far from being an objection to our receiving the Petition, that it is a very strong reason for it; if there be any fault in form, it is the fault of those who had the keeping of the common seal, and as they may perhaps be some of those against whom the complaints made, and who upon inquiry be found by this House to be the guilty persons, we are therefore to look upon any neglect in form to be a wilful fault, and a plot laid for preventing the truth's being brought to light; such plots will, I hope, be always defeated by the wisdom of this House, and whenever it can be discovered that any frauds have been committed, or any indirect practices used by those who have the keeping of any common seal, this House will, I hope, make use of that power, with which it is by our constitution invested, for detecting and punishing the criminals: for my own part, I always was for encouraging the design upon which this Corporation was at first established; people may call it Charitable or not, as they please; but I always looked upon it as an act of charity to let necessitous persons have money to borrow upon easier terms than they could have it elsewhere; money like other things is but a commodity, and in the way of dealing, the use thereof, as well as of other things, is looked upon to be worth as much as people can get for it; if this Corporation let necessitous people have the use of their money, at a cheaper rate than any other person would lend money at, they were certainly useful to the public, and were so far to be reckoned a Charitable Corporation; and if they had asked more than what was usual to be given, they could not have had any customers; the design was therefore in itself good and useful, but the better the design was, the more those persons deserve to be punished, who by their frauds have disappointed the public of reaping the benefit, which might have accrued by an honest and faithful execution of so good an undertaking.

Sir *Thomas Robinson* spoke next:

Sir; There is no doubt but that a great many frauds have been committed in the affair now before us; so large a sum of money could not have been lost in so short a time, by the greatest misfortunes that possibly could have happened; nor could the greatest mismanagement reduce such a capital to nothing in so few years, without some fraud at bottom; and as matters now stand, every man who had any hand in this unhappy affair, is accused by the general voice of the people; every man concerned is presumed to have been a partaker in the crime, and the innocent suffer in their cha-

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and dignity." It was then unanimously voted, that the said infamous libel should be burnt at the Royal Exchange, by the hand of the common hangman.

"Thus ended an affair, which notwithstanding all the care and even earnestness of the government, brought destruction upon thousands of poor sufferers. Being many of them of the lowest rank, they gratified their revenge in murmuring against their superiors; and they were not wanting in throwing out abuse against the most venerable names in the nation, as being the authors of their calamities, or at least sharers in their spoils. But nothing could be more ridiculous, as well as unjust, than such aspersions, because it was plain from the spirit with which the government (who could have crushed the proceedings) joined in prosecuting the offenders, that no persons of the most exalted condition could have been concerned in the fraud; and if they had, they must have shared in the loss; as it is certain that the estates of the two gentlemen who were on that account expelled the House of Commons, were greatly injured, even independently of all proceedings against them, either legal or parliamentary. Add to this, that had Thompson, the warehouse-keeper, who must have been master of the secret, known of any such practices, he would undoubtedly have made his court at Rome by disclosing them; nor, considering the severe examination the affairs and the books of the Company met with, both within and without doors, can it be imagined they could have been concealed." Tindal.

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racters, as well as in their estates, by the frauds of the guilty. As the capital stock of this Corporation was divided among a great number of proprietors, the sufferers by these frauds must be very numerous, and amongst them there are without doubt a great many who are quite undone; it is enough to move the compassion of any man to think, that gentlemen and ladies, who have been bred to an affluent fortune, should thus at once be reduced to misery and starving; and that without any fault of their own, but merely by the frauds or by the neglect of those to whom they had intrusted the management of their estates. This is a case, Sir, that deserves to be inquired into in an extraordinary manner; such innocent sufferers deserve the most speedy redress that the justice of this nation can admit of; it would be cruelty to leave it to the ordinary forms, or to subject it to the long delays that necessarily attend the ordinary course of justice; and therefore I hope, that no member of this House will refuse to give ear to the just complaint of the Petitioners, or appear to be against giving them all the redress that can be given in a parliamentary method of proceeding. There are, I think, three things that must come under our consideration in the present case: We must endeavour to relieve as much as possible those who are the unhappy sufferers in this affair; we must endeavour as much as we can to discover those who are really guilty, and punish them as severely as their crimes deserve; and we must endeavour to vindicate the characters of those who are innocent, and who at present suffer by being blended with those that are guilty. These things demand a most strict and a most exact scrutiny into the management of the affairs of this Corporation, and therefore this Petition ought not only to be referred to a Committee, but to a select Committee of a certain number of members to be chose by ballot, which Committee ought to be a Committee of Secrecy.

Captain *Vernon* agreed in every thing to what sir Thomas Robinson had moved for, except as to the Committee's being a Committee of Secrecy, in which he was seconded by

Mr. *Hopkins*, who said, That a Public Committee would be more for the purpose, because in such case he and every other member of the House, who could give them any information, could then attend and know what they were about, by which they would learn how to assist the Committee in making discoveries, and clearing up facts which they might be in any doubt about." He added, "That in the management of this affair, he could not but take notice of one fact, which to him appeared something extraordinary; which was, that at one time there were Bonds or Notes of that Corporation issued, to the value of about 120,000*l.* about which time the York Buildings Stock rose from 18 or 19 to 36 or thereabout per cent. This sudden rise, he believed, was principally owing to the Bonds and Notes of the Charitable Corporation, which at that time went about current and in great plenty in Change Alley.

Sir *Robert Sutton* and Mr. *Denis Bond* said, That as they had the misfortune to be named as managers of the affairs of that corporation, they thought themselves obliged to say something upon the present occasion: That they were both very considerable proprietors, and consequently were very great sufferers, but though they had been named as managers, yet they were but seldom there, and knew very little of what was done.

Sir *Archibald Grant* said, That as he likewise had the misfortune to be a Manager, he thought himself obliged to say something to the affair then before them; that he also was a very considerable proprietor, had no less than 1500 shares of their capital in his own right, which had cost him above 8000*l.* That he was very willing the management should be inquired into, because he hoped the fraudulent and deceitful would thereby be distinguished from those, who had been deceived and imposed upon.

Several Members spoke for the Committee being a Secret Committee, because it had been always observed, that such Committees made the most narrow and the most speedy inquiry into the affairs that had been referred to them: That if every member had a liberty of coming there, it would occasion such disturbance and so many delays, that it would be impossible for the Committee to finish their report, or for the House to give any relief to the unhappy sufferers, during that session of parliament. That its being a Committee of Secrecy could not be any loss, as to their getting all possible information from the other members of the House, who could make any discoveries; for that the gentlemen of the Committee would be known, and it was to be presumed that every member, that could make any discovery of consequence, would immediately give information thereof to some of the gentlemen of the Committee.

The said Petition referred to a Committee.] Then it was resolved, without opposition, "That the said Petition be referred to a Committee of twenty one, to be chosen by balloting." But a motion being made, and the question put, That the said Committee be a Committee of Secrecy, it passed in the negative by 212 votes against 132.

Sir R. Walpole's motion for reading the Pension Bill a third time.] Feb. 7. A Motion was made by sir Robert Walpole, for having the Pension Bill read the third time, on the 10th instant, in a full House, because he did not know but that he might then offer several reasons against it, and endeavour to shew, that it was neither a proper Bill for redressing the evil complained of, nor was it offered at a proper season.

Mr. *Pulteney* said, That that Bill had been two years successively before that House; during which time they had had many oppor-

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tunities to consider every clause in it, every one of which had been concerted by the ablest men in the nation. That the Bill was certainly a good and a necessary Bill, was very much wanted, and had the general voice of the nation in its favour. That though the other House had twice thrown it out, yet he could not think that any men of honour could be against it; what their reasons were for so doing, he could not tell; but it seemed, and he had even heard it whispered, that they were tired of doing such **** work; they were resolved to do no more of it, and if so, says he, it is become necessary for us to do our own **** work ourselves.

But sir Robert Walpole's motion not being insisted on, no order was made.

Debate in the Commons on Sir Robert Walpole's Motion for reviving the Salt Duty.] Feb. 9. The House of Commons resolved itself into a Committee of the whole House, to consider farther of ways and means for raising the supply granted to his Majesty; and the several papers and accounts relating to the Salt Duty having been laid before this Committee,

Sir *Robert Walpole* stood up and spoke as follows:

Mr. Speaker,

As there is nothing his Majesty has more at heart than the giving all possible ease to his subjects; so whenever he is necessarily obliged to desire assistance from them for the immediate support of the government, he desires that they would choose those ways and means for raising the annual supplies, which are least burthensome to the people, and which makes the load fall equally upon the subjects in general. When money is to be raised for the public good, for the security of all, he thinks that every one ought to contribute his share, in proportion to the benefit that he is thereby to receive. In pursuance of these his Majesty's inclinations, and in pursuance of what I look upon as the most equitable rule for raising contributions, I shall take the liberty of proposing to this House a method for raising some part of the supply for this present year, which by falling equally upon all, will be burthensome to none; and by which those who have stood the brunt of the day, those who have been oppressed for many years, may in some measure be relieved.

This, Sir, is the only view I have in making the proposal; after it is made, the House may then take it into their consideration, and each member certainly will judge of it as he thinks proper. If it is approved of, I shall rejoice in having been the author of a measure, which I think will contribute so much to the good of my country in general, and to the relief of those who have for many years borne too great a share of the public burthen; and if it happens not to meet with the approbation of this House, I shall have the testimony of a good conscience for my comfort; for since I have no other view but only a sincere and an honest intention to give relief to my fellow-subjects, I never can have occasion to repent, nor do I any way dread those reproaches, which may be unjustly thrown upon me, or upon the measure I am to propose; for these are things which in all public transactions every man must expect: No public measure can be proposed, but what may be against the private interest and selfish views of some particular men; but I fear not the enmity, and I despise the revilings of those, who prefer their own little selfish views to the general good and welfare of their country.

I have, Sir, with the deepest concern observed, how heavy and how unequal a burthen has been long borne by the landed gentlemen of this kingdom: I have long had it in my view to procure them some ease as soon as possible, and am pleased to think that an opportunity now offers itself for doing what I have so long had much at heart; and I hope I shall have the good luck to find that my sentiments are approved of by this House; and the approbation of such an assembly I shall always look upon as the greatest honour done to any proposal made by me. As to the manner, Sir, of raising taxes upon the people, it is a certain maxim, that that tax which is the most equal and the most general, is the most just, and the least burthensome. Where every man contributes a small share, a great sum may be raised for the public service, without any man's being sensible of what he pays; whereas a small sum, raised upon a few, lies heavy upon each particular man, and is the more grievous, in that it is unjust; for where the benefit is mutual, the expence ought to be in common. Of all the taxes I ever could think of, there is not one more general, nor one less felt, than that of the duty upon Salt. The duty upon Salt is a tax that every man in the nation contributes to according to his circumstances and condition in life; every subject contributes something; if he be a poor man, he contributes so small a trifle, it will hardly bear a name; if he be rich, he lives more luxuriously, and consequently contributes more; and if he be a man of a great estate, he keeps a great number of servants, and must therefore contribute a great deal. Upon the other hand, there is no tax that ever was laid upon the people of this nation, that is more unjust and unequal than the Land Tax. The land-holders bear but a small proportion to the people of this nation, or of any nation; yet no man contributes any the least share to this tax, but he that is possessed of a land estate; and yet this tax has been continued without intermission for above these 40 years. It has continued so long, and has lain so heavy, that I may venture to say many a landed gentleman in this kingdom has thereby been utterly ruined and undone.

This consideration, Sir, has prompted me to endeavour to procure them some relief, and for this end I shall venture to make the following motion. "That towards raising the supply granted to his Majesty, the several duties on

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home-made Salt, granted to the late king William and queen Mary, by an Act of the 5th and 6th years of their reign, for a term of years, and afterwards made perpetual; and also the additional Duties on Salt, granted by an act of the 9th and 10th years of his said late Majesty king William, and all the Duties chargeable on home-made Salt in Great-Britain, which by an act of the 3rd year of his present Majesty's reign, ceased and determined on the 25th day of December 1730, be revived and granted to his Majesty, his heirs and successors, for the term of three years from the 25th of March next, 1732."

If I have, Sir, the good luck to succeed so far in my wishes, as to have this motion approved of, I shall then beg leave to move, that the sum of one shilling in the pound, and no more, be raised for this year upon land; but if this House does not agree to the motion I now make, I must in that case move for a Land-Tax of two shillings in the pound; for so much will be absolutely necessary for the current service of the year. This, Sir, is what a sincere and a hearty desire to do service to my country, and justice to my fellow-subjects, has emboldened me to propose. I declare I had no other view, but that of procuring some ease, some relief to the landed-interest. If this be agreed to, some means may be fallen upon to relieve them of the whole again next year; and I shall always look upon it as a great honour, that after a continuance of a land-tax of four, three or two shillings at least in the pound for 40 years together, it was at last reduced to one, at a time when I had a share in the administration of the affairs of this nation. Before I leave this subject, I must intreat every one that hears me, to consider how many landed-gentlemen of ancient families there are in Britain, who have but small estates, how many of them have great families to support and many children to provide for, and how many even of those who have large Estates in Land are so charged with mortgages, jointures, or rent-charges, that it is hardly possible for them to support their character in the country where they live, though they were not to pay one shilling towards a land-tax.

Our nobility and gentry were once famous for hospitality and generosity; if the unavoidable necessities of state have obliged them for so many years to abridge their expence, and contract their manner of living, let us do at least what is in our power to restore them to their former state, by relieving them of a part of that burthen, which they, and they only, have for so many years been charged with.

Mr. *Walter Plumer* rose up and spoke as follows:

Sir,

I agree with the right hon. gentleman who made the motion, in this, That the landed gentlemen of this nation have been for many years subject to very grievous taxes; the land-tax is not the only tax that has been heavy upon them, but every other tax falls at last upon them with its greatest weight: It is indeed high time that some of the burthens should be taken off their shoulders, and it was reasonable for them to have expected from his Majesty's most gracious speech, that in this session of parliament they would have met with some relief; but how much surprised must they be, when they hear, that all the relief that has been proposed is, to take off one tax which lies heavy upon them only, and in the room thereof to lay on another, which will lie equally heavy upon most of them, and at the same time will be a most insupportable burthen upon every one of their fellow-subjects? The proposing this as a relief for the landed gentlemen appears to me in so odd a light, that I cannot well comprehend how it can be expected, that any gentleman in England should be so imposed on. It is so short a time ago, that we must all remember how this tax upon Salt came to be taken off. His Majesty, by his most gracious speech from the throne only two years ago [See p. 766,] shewed, that he was sensible how much the trade and manufactures of this nation suffered, by the many taxes, the poor tradesmen and labourers were subject to; he therefore recommended to us the taking off some of those taxes, which were most burthensome upon the poor; and at that time, Sir, it was the opinion of this very House, that this tax upon Salt was the most burthensome upon the poor, and the most pernicious to the trade of this kingdom, of all the taxes we are liable to. This, Sir, was one of the many reasons for taking it off, and why we should so suddenly alter our opinion, and resolve to grind the face of the poor, in order to relieve a few of the rich, I can see no reason; I say, Sir, a few of the rich, for it may be easily made appear, that the relief proposed will be no relief at all to the landed gentlemen of small fortunes, and even to the rich it will be but a small present ease, which will be attended with most heavy and most fatal consequences.

I had the honour, Sir, to be one of those who were instrumental in getting this clog upon our trade removed; I hope I shall have the honour to be one of those who shall be instrumental in preventing its being forced upon us again; for if this duty be revived, I despair of ever seeing it again taken off. It is not always a certain maxim, that those taxes which are most general are least burthensome; upon the contrary, it holds true in all countries, and at all times, that those taxes which are laid upon the luxuries of mankind are the least burthensome; and I believe in the most luxurious country upon earth, I am sure as to this country, it cannot be said that they are the most general: After a nation is brought to that woeful pass, that they must extend their taxes farther than the luxuries of their country, it is certain, that those taxes which are raised with the least charge to the public, are the most convenient and the easiest to the people; but in all cases particular care ought to be taken not to tax those things which are necessary for the very subsist-

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ence of the poor; such taxes always occasion murmurings and sedition among the people, and in such a country as this, which subsists by trade and manufacture, such taxes bring sure and inevitable destruction; for they enhance the price of all necessaries of life, the wages of the tradesman and manufacturer must consequently rise higher, and where the wages of the workmen are high, the manufactures of that country never can be sold so cheap as the manufactures of other countries; this must at last destroy their whole trade, and I am convinced that no landed gentleman in England will chuse to save a shilling in the pound as to the land tax, even though he were to pay nothing in lieu thereof, when by such a saving he brings ruin upon the trade and manufactures of his native country.

I have, Sir, always appeared, and I hope ever shall appear zealous for the support of the present royal family; as a friend to our most happy constitution, as a faithful subject to his Majesty, I must declare against reviving this tax upon salt; for granting that the reducing of a shilling in the pound upon the land tax, by the revival of this upon salt, were a real relief to the landed gentlemen, which is very far from being the case, yet we must allow that for one, that is eased or obliged by the reducing of the land tax, there will be 99 disobliged by the revival of the tax upon salt; this must occasion such a general dissatisfaction, and so much grumbling amongst the people against his Majesty, that the keeping up a standing army will become necessary for supporting him against the disaffected; and by experience we know, that where the disaffection becomes very general, even the army is not to be depended on, for in such case most of them would probably join with the discontented: It would become necessary for the security of his Majesty's person and government, to bring in an army of foreign troops to prey upon the bowels of our mother country.

I have, Sir, as much sympathy and compassion as any man for the great distresses that have been brought upon many of our landed gentlemen; and I flattered myself with the pleasing hope, that they were now to be relieved; now when there is a profound tranquillity established both abroad and at home, I could not so much as imagine, that it would be necessary to continue all our taxes, and I could far less imagine that any proposal would be made for relieving us of one tax, by laying on another much more grievous. No man can expect that the landed gentlemen in England have so little sense as to be cajoled in such a manner. The land tax, it is true, takes from the landed gentleman a part of his rent yearly, but the salt tax, being a charge upon our trade and manufactures, will at last disable his tenants from paying him any rent; and besides, it makes the maintaining even of his own family much more expensive, so that at the end of the year he will find himself no gainer upon the main, and his tenants being ruined and undone, the rents and the value of his estate will be decreasing yearly. I only desire that every landed gentleman, that hears me, would consider what he could make of his estate if we had no trade, no manufactures, nor any number of populous trading towns in England. Whoever considers this, must conclude that, in most parts of England, the landed estates would not in that case bring in yearly to their landlords near the rent they do at present, no, nor one quarter thereof. Who then will be such a fool as to desire to be relieved of one shilling in the pound upon the land tax, when he must pay as much in another way, for the salt made use of in his family, and when at the same time he diminishes the yearly value of his estate much more than one shilling in the pound; nay, much more than any land tax ever amounted to in England. The land tax, Sir, is but an annual diminution of a gentleman's estate; he may be free of it, or of a part of it, the succeeding year: But if by the decay of our trade, and the charge that is laid upon the poor farmer, he be obliged to lower the rents of his estate, that will be a diminution which I am afraid will endure for ever.

Before I have done, I must, Sir, take notice, that the Salt Duty, or a considerable part thereof, was formerly appropriated to the Sinking Fund; yet this duty was but two years ago thought so grievous and so prejudicial to our trade, that we then made no scruple of encroaching a little even upon that sacred fund, in order to ease the people of so pernicious and burdensome a tax: I am sorry to see the opinion of any gentleman, as to this tax, so much altered in so short a time: but if we do alter our opinion, and revive this tax, it certainly ought to be appropriated again to that useful fund; if we do revive it without any such appropriation, we make a most dangerous precedent, whenever any of these taxes that are now appropriated to the Sinking Fund, are wanted for another use, it is but taking them off for one year, and laying them on the next for a new purpose; thus the Sinking Fund may be at last entirely exhausted, and our debts remain for ever unpaid, without lessening any of our taxes.

Captain *Vernon* spoke next:

Mr. Speaker;

I hope every gentleman in this House has perused the short account of the money, which has been brought into his Majesty's exchequer, by the produce of the Salt duty from that part of Great Britain, called Scotland, for the last ten years; I have looked for that account, but can find but one article, and that article is next to nothing. In the space of ten years, not one shilling was ever brought into the Exchequer, from the Salt duty in that country: How then can this tax be said to be an equal tax, when such a considerable part of this kingdom never paid one farthing towards it; even by the proposal now made, they are not to pay near so much as we are to pay in South Britain; and of that small proportion that is to be laid upon them, it is probable no part will ever come to

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the public account: This tax must therefore be unequal, because we in England are to bear the whole of the burden; Scotland is to bear no part, and yet they are by the Articles of the Union obliged to bear their proportional part of all new taxes, more especially those which are raised for the current service of the year. If it be said, that the people in that country are not able to pay this whole tax, it is a good argument against the tax in general; for no tax ought to be laid upon the people, but those to which they can all contribute their share: The people of England ought not to be charged with a duty, and the people of Scotland left free; such unequal charges will soon make every man in England wish that the Union had never been made.

It is true, Sir, I cannot but applaud the gentlemen of that country, for appearing in favour of the tax upon Salt; it is shewing a laudable zeal for the proper interest of their native country: It is laying a tax upon us, to which they contribute nothing, in place of a tax, to which they have always contributed an equal share. This, Sir, may justify their conduct as to the question now in hand, but I hope the gentlemen of the south parts of Britain will shew the same concern for the interest of their part of the island; and I am glad to find that so many of them do shew such a concern, for it appeared to me yesterday, that the question was carried against the south parts of the island, by the votes of those gentlemen who come from the north. [Here he was called to Order, after which he went on] Sir, I design no reflection upon any man; but the affair before us is of the utmost consequence to the interest and trade of the whole kingdom; our liberties, our properties, and every thing that is dear to us is at stake. This seems to be a step towards introducing a general excise, which is inconsistent with the liberties of a free people; and, Sir, when life, liberty, or property is concerned, it will be found that every man will fight; a country clown in huddon-gray may perhaps shew as much courage, and fight as well as a soldier in red: What! do we think, because a fellow is a beau, and dresses himself up with powder and essences, that therefore he has more courage than another man? I suspect there are many of those fine gentemen, who are afraid of letting the wind blow upon them, for fear of blowing the powder out of their wigs, that could not, perhaps, bear the smell of gunpowder. As the affair before us is of the utmost consequence, so it ought to give us the more concern, that if it passes in this House, there are no hopes in the other: In the other House, we know, Sir, there is a peculiar Bench, which will [Here he was again called to Order, and was told by Mr. Speaker, That no gentleman was to throw reflections upon any body of men, nor was any member of that House, in any thing he said, to take notice of what was done, or what might be done in the other, then the Captain went on] Sir, it was not possible I could make any reflection upon any man, or upon any set of men, for I had drawn no conclusion. But let us do what we will, let both Houses, if they have a mind, pass this Bill, it is so directly opposite to the interest of the nation, and to the interest of our present happy establishment, that I am convinced his Majesty will refuse giving it the sanction of the royal assent.

Mr. *Horatio Walpole* stood up, and said,

Sir: I find some of those gentlemen, who have spoken upon the affair in hand, are quite mistaken as to the motion that has been made. If any new and unheard of tax had been thereby proposed, they might have some reason for those fears, which they have represented to us in so strong a light; murmurings and grumblings among the people might be apprehended; but the tax proposed is no new tax, it is only proposed to revive a tax which was raised upon the people of England for 34 years together, and was always paid by them, without the least grumbling or complaint. By experience, Sir, we are convinced that it is no way burthensome upon the people; and indeed, it is so little felt by them, that even since it was taken off, there is hardly a man in the kingdom that has been sensible of the ease, or has in any manner expressed his satisfaction therewith: This shews that it may be revived without any danger of overcharging any particular man, or any sort of men. Every man, I believe, that contributes towards the land tax, is fully sensible of the burthen that is thereby laid upon him; but who is it that ever was sensible of what he paid towards the salt duty, or has felt any ease since it was taken off? It is a duty that is paid by such a multitude of people, that no single man can any way feel what he pays thereto, which is a most evident demonstration that it is one of the most easy ways we can chuse, for raising money for the necessary supplies of the government.

Those gentlemen, who talk so much of its being destructive to our trade and manufactures, ought to come to particulars; they ought to shew what trade or manufacture was lost or injured, during the 34 years that the tax continued to be paid by the people of England; they ought to shew what manufactures have become cheaper, or what sort of tradesmen's wages have been lowered, since the abolishing of this tax: If any one such effect could be made appear, I should believe they had some reason for what they say; but when the contrary facts appear to be true, I cannot join in opinion with them. During the whole time that this tax continued, there never was any one manufacture thereby lost, our trade never flourished more than it did in that course of time; and since the tax was taken off, we all know that no trade or manufacture has been thereby improved, nor have the wages of one workman in the kingdom been diminished; the pretended fatal consequences of this tax must therefore be all imaginary.

As this Tax upon Salt is one of the most equal and easy taxes on the people, so there is

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not any one tax can be proposed, that may be raised with less expence to the public: The method of raising it costs but very little more than the raising of the land tax will cost: and whatever difference there may be is much more than atoned for, by the justice and equality of the tax upon salt, and by its being so general, that it becomes altogether insensible, whereas the land tax is one of the most unequal and one of the most grievous upon those who pay it, of any tax that ever was raised in this country. It is a tax that is wholly charged upon a very few of the inhabitants of this island, who have been for many years obliged to bear the greatest part of the public charge, and have many of them been ruined and undone for the benefit and advantage of others. If we but once seriously consider, what wretched circumstances many of the landholders in Britain are at present in, we cannot surely make the least hesitation in giving them relief from the oppressions they have so long groaned under, by laying on another sort of tax, which never was, nor never can be felt by any man breathing: A tax which is so just that every man contributes to it in proportion to the benefit he receives, instead of a tax, by which a few are obliged to contribute the whole of the charge, though they receive but a hundredth part of the benefit.

We have likewise, Sir, been frightened with the name of a General Excise, and with the loss of our liberties and properties. As to the last, the bugbear will vanish, if we but reflect upon the great men that were at the helm of affairs, when the salt tax was first laid on. It was first laid on in the reign of the late king William, the glorious restorer of the liberties and properties of the nation: In his time it first had its being, and was contrived and advised by a set of ministers, who will for ever be respected for their great wisdom, and whose memories will for ever be sacred, for the great attachment they always shewed to the constitution and the liberties of this kingdom. As for a general excise, I never heard of any such design, I am sure no man that I know had ever any such thing in his thoughts, nor can the reviving of the salt tax any way contribute to such a design. I must say, that I think many of our customs are heavy upon trade, and very troublesome to our merchants: and therefore, if some of the most grievous of them were turned into an excise, it would be of great advantage to the nation, and might, I believe, be easily done, without endangering in the least our constitution, or encroaching upon the liberty or property of the subjects, but as there is at present no such proposal before this House, we have no occasion to take such a thing into our immediate consideration.

Mr. Walpole was replied to by

Sir *William Wyndham*, as follows;

Sir:

I could not indeed but suspect from the manner of introducing this motion, that something very extraordinary was to follow. I find I am not disappointed, for in my opinion it is one of the most extraordinary motions, that ever was made in this House. Under the specious pretence of giving an immediate ease to the landed gentlemen, we are to revive a tax, which will lie as heavy as the land tax upon most of them, and which is not only destructive to the trade, but inconsistent with the liberties of this nation. I agree most heartily with the gentleman who made the motion, That many of our landed gentlemen have been reduced to most miserable circumstances, by the heavy burdens they have borne for so many years: but their misery is not to be ascribed to the land-tax only, every one of our other taxes contributes its share, and no tax contributed more to the general misery of the whole nation, as well as of the landed gentlemen, than this very tax, which is now proposed to be revived. It is indeed become necessary to continue the land-tax upon the former footing, or to impose some new tax in room thereof; but from whence does this necessity proceed? Why, from maintaining a greater number of land forces, and putting ourselves to much greater charges, than we have in my opinion any occasion for. It has always been the case, it always will be the case, Sir, that one wrong measure must for ever give birth to another, that to a third, and so on till public ruin becomes inevitable, if no redress be offered in time; which never can be effectuated, but by altering the former wrong measures, instead of supporting them by worse.

I am sorry, Sir, to find that we are reduced to this extremity, that we must either lay on a land tax, which seems to be agreed by all to be heavier than the landed gentlemen of this nation are able to bear, or otherwise we must lay on a tax, which in the opinion of, I hope, the majority of this House, is of much more fatal consequence. How fatal, Sir, is this necessity? Our landed gentlemen must be ruined, or the whole nation must be undone! It is certain, Sir, that every tax is an evil, and an evil that ought to be avoided, if possible; the corrupt nature of mankind has made some taxes necessary for the support of society; and we find to our cost, that taxes, like other evils, are fruitful in the begetting of one another: But when we come to make a choice between two taxes, of the two evils we certainly ought to chuse that which is least; and since we have by our former Resolutions made one of the two, now under consideration, necessary, we ought now to examine strictly which of the two is the least evil.

I have, I hope, Sir, as deep a sense of the miseries and sufferings of my fellow countrymen as any man in this House, and when I speak of charging land in place of charging salt, I am certain, and I believe every man that knows me will think, that I speak against my own private interest; and therefore I flatter myself, that those who hear me will think I am sincere in what I say. It is very true, Sir, that

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the reducing of the land tax would be a great relief to the landed gentlemen, if it could be done without taking as much from them in another way. The land tax is indeed a heavy charge upon the landholders of this kingdom, but that is the only evil attending it; I cannot grant that it is so unequal as some gentlemen have been pleased to represent; every man ought to pay to the public charge in proportion to the benefit he receives therefrom; a poor man, who has no property, ought not certainly to be charged for the defence of property; he has nothing but his liberty to contend for, and for the defence of that only he ought in justice to be charged, whereas a man, who has an estate, has property as well as liberty to contend for, and for the defence of both he ought to be charged. Liberty may be equally dear to every man, but surely he that has the largest property, ought to contribute most to the public expence.

The heavy weight that lies upon the landholders, is I say, Sir, the only evil attending the land tax; but in considering the evils that necessarily attend a tax upon salt, the land tax will upon the comparison be found to have many advantages: One of the great evils of a salt tax, I may say the greatest, because it strikes at our constitution, is the great number of officers which must be employed in collecting that small branch of the revenue. These officers are all named by the crown, and being spread all over the country, must have a great influence in elections: This, Sir, throws a greater power into the hands of the crown, than is in my opinion consistent with the liberties of this nation. If it ever shall happen to be the misfortune of this nation, to have a set of wicked ministers in the administration, and a weak or an ambitious prince upon the throne, the great number of officers employed in collecting the public revenue, must be of the most dangerous consequence to the very being of our happy constitution; and therefore we ought not, upon any pretence whatsoever, to increase the number of those slaves of an administration. As to this evil, the land tax has by much the advantage of the salt tax; in the first there are few or no officers employed; but the last will make an addition of six or seven hundred to the number of officers we had before. This tax upon salt is likewise a dangerous precedent; it is one step towards a general excise; from this, which is really an excise upon salt, we may come to have an excise laid upon every thing we can either eat or drink. It would be dangerous to begin to raise even the taxes we now pay, by the method of excise, both because it would be a bad precedent, and because of the uncertainty of the produce: If the raising them by excise should produce less than they now do, they could not answer those payments for which they are appointed; and if it raised more, it might, considering the present establishment of the civil list, throw more money into the hands of the crown, than would be consistent with the freedom of the people.

Another advantage which the land-tax has over the tax now proposed, is, that the raising of a shilling in the pound costs but a mere trifle, and is subject to no frauds. The whole, I may say, that is raised from the people, comes to the use of the public, and to the benefit of the people; but the case is quite different as to the tax upon salt; it is impossible to raise the salt-duty without employing a great number of officers, they must all have salaries, besides the perquisites and gratuities which always have been, and always will be given to men in such offices: the honest part of mankind can never get common justice from them without paying the perquisite, and the fraudulent part of the nation will always purchase their connivance by large gratuities; thus a very large sum will be raised upon the people, and but a small part thereof will ever come to the use of the public, or to the benefit of the nation. This was formerly the case of this duty upon salt; there was always a great difference betwixt the gross and neat produce thereof, and there never was any tax in this country that gave so much occasion to frauds and perjuries; the tax is so much above the proper price of the commodity upon which it is raised, that it always was, and always must be a great temptation for people to perjure themselves, and cheat the public.

I am surprized, Sir, to hear any gentleman doubt of this duty upon Salt being heavy upon trade, and prejudicial to the manufactures of the nation. It is so easy in this case to come to particular instances, that I defy any man to name one trade or manufacture that it is not prejudicial to. Can any man suppose it does not enhance the price of all provisions? and by enhancing the price of them it becomes a charge upon every manufacture in particular; but upon our navigation it is insupportable; every ship that sails from this kingdom must pay dearer for her salt provisions, or must go to some other place to take them in: Do not we know, Sir, that many of our merchant-ships, for the several years last past, have gone to Ireland to take in the salt-provisions necessary for their intended voyage? If this tax had been discontinued for any number of years, they would probably have returned to victual in our own ports, as they always did before the laying on of this tax upon salt. Even the short time which it has been discontinued has shewn what disadvantage the reviving of it will be to the improvement of land. Since the tax was taken off, several experiments have been made for the improvement of land by the means of salt, and they have all answered to admiration. The revival of this tax cannot therefore proceed from any compassion for the landed gentlemen, since we thereby prevent the improvement of their lands; and a very small improvement of the rent of an estate is worth a great deal more, than one year's land-tax, at a shilling in the pound, will amount to even upon a very large estate.

But in the present case, Sir, we not only prevent the improvement of land-estates, but

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we really take as much from almost every landed gentleman in another way, as he saves by the diminution of the land-tax; and at the same time we take so much from every one of his tenants, as to disable them, or some of them at least from paying the same rent as they formerly paid. In all well-regulated countries great care is taken, that the poor farmer shall not be overcharged. Where is there a more flourishing, or a better cultivated spot of ground in the world, than our neighbouring country Flanders? Yet what ravages, what desolations has that poor country suffered by contending armies? What is this to be ascribed to? Certainly to that wise policy of the landlords, established as a law in that country, that whenever any farmer suffered any loss in his farm, by the incampments and depredations of an army, he paid no rent for that year to his landlord: by that he was enabled to support the loss, and repair the damages for the benefit of his landlord as well as himself. Do we not see the effects of a contrary policy in Poland? There, the poor tenants are racked and oppressed, and for that very reason one half of that country, which is naturally one of the most fertile in Europe, lies waste and uncultivated. This will always be the consequence, when a landlord charges his tenant for the sake of a small ease to himself.

We have already, Sir, so many taxes, so many impositions: the price of every thing is thereby so much enhanced, that none of our manufactures can be sold in a foreign market so cheap as the same sort of manufactures are sold by our neighbours. To this only the great decay of our trade is to be imputed; and if it had not been for some natural advantages, it would have been before now entirely lost and gone. It would have been happy for this nation, if they had always raised the supplies within the year: we severely feel the effects of this error in politics committed by the generation before us; and yet shall we with our eyes open go on in the same tract, and doubly load our posterity for a small present ease to ourselves? We are told that this tax is to continue but for three years; but I plainly see that it must be continued longer: by computation it is allowed, that 500,000*l.*, may be raised by this tax in the space of two years and a half, from whence I foresee, that at the end of three years we shall be told, that there being half a year good in hand, the continuing it but for two years longer will raise such another sum. I do not doubt but that at the end of this three years, we shall be under a much greater necessity of raising such a sum by extraordinary means, than we are at present; at the end of five years it may be the same, and thus it may for ever continue.

Even the landed gentlemen, if they consider their own interest, never will desire to be eased as to the land tax, by laying on any other tax instead thereof. In such a case the landed gentlemen will always find, that what they save by this ease as to the land tax, is more than exhausted by what they pay out of their own pockets, towards the tax laid on in its room; and at the same time the poor tenants and farmers are oppressed, and the trade of the country undone. Let us but suppose, that the sum of five millions were to be raised, and this I believe is as large a sum as the net produce of all our taxes will amount to. If this sum were to be all raised by a land tax, it would amount to 10*s.* in the pound: this, indeed, would be a most grievous tax, but let any gentleman compute what he now pays, under the present method of taxation, towards the land tax, towards the malt tax, towards the window-lights, and to the advanced price of all the necessaries and conveniences of life, which he either makes use of in his family or is obliged to call and pay for when he is abroad; and I believe he will find, that in the year's time it amounts to more than if he were to pay a land tax of 10*s.* in the pound, and at least to so much again upon the rest of the people. This, Sir, is the unavoidable consequence of our present method of taxation. The charge is so great, and the advantages taken by the merchant and retailer are so extravagant, that one half at least of what is raised upon the people never comes to the use of the public; and it is so far, Sir, from being laid out or expended for the benefit of the people, that it may some time or another be turned towards the enslaving of them: from whence, Sir, I think it is as demonstrable as any proposition in Euclid, that if we actually paid a Land-tax of ten shillings in the pound, without paying any other excises or duties, our liberties and our properties would be much more secure, and every landed gentleman might live at least in as much plenty, and might make a better provision for his family, than under our present method of taxation.

I shall conclude, Sir, with observing that as this tax falls most grievously upon the poor, and as they are by far the majority of the people, it must of consequence raise a general murmuring and discontent against the administration: by this the government, for their own security, will be obliged to keep up a numerous Standing Army: this will be a new ground of complaint among the people; and they will at last begin to think, that their liberties and their properties are really in danger; and I hope the people of this nation will always have courage enough to dispute so sacred, so valuable a prize; but cursed must they be whose measures shall occasion such a contest.

Mr. *Dundas* spoke next;

Sir; We have heard a great deal of the inequality of the Land-tax, and great complaints that, notwithstanding its being raised for the good of all, yet there were but a small part of the nation that contributed any thing thereto: I grant, Sir, that it is so far unequal; but then as no man contributes but he that has an estate, it cannot be said that it is insupportable to any man; and it must be allowed, that the rest of the nation are quite free from that burden: But this tax upon Salt is as unequal as

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the other, for there are a great many gentlemen in this nation, the greatest part of whose estates consists in Salt-works, and by this tax there will be at least one sixth part, I may say one fourth part, of these estates taken from them. The inequality therefore is as great with respect to this tax, as with respect to that upon Land; but no man, no person in the nation can be free from this tax upon Salt, it must be burdensome upon all, and insupportable to a great many. I have the less reason to be against the reviving of this Tax, because, by the Articles of the Union, that part of the country which I come from is to be free therefrom, or at least from the greatest part thereof: nor can I think that the taking off of a tax, for one year, which Scotland is by the Articles of the Union to be free from, and laying it on the very next year, will ever afford a pretence for the charging of the people of Scotland with the payment of such a tax; for then it would be easy to subject them to all those taxes and duties, which they are declared free from by the Articles of the Union. This, Sir, is my opinion, but I shall be very sorry ever to see any thing brought into this House, that may possibly bring any one of the Articles of Union into question, or so much as raise a doubt about the meaning and intention of any one of them: Explanations in that affair will always be dangerous, and every man who wishes well, either to his king or his country, will endeavour as much as he can to avoid coming to any such. If there were no other reason, Sir, for my being against this duty upon Salt, this one is enough to me, that there appear to be several gentlemen in this House, who are of different sentiments from me, with respect to the meaning and intention of that Article of the Union, by which Scotland is declared free from the duties then payable upon Salt. I hope all the gentlemen of my own country, at least are in this point of the same sentiments with me, and consequently as they have very little to do in the present question, I hope they will at least withdraw, and not join in laying a tax upon their neighbours, which their own country is not to bear an equal share in.

It is well known how many frauds and perjuries were committed, during the time that there was a duty upon foreign Salt, and drawbacks allowed upon the exportation of fish cured therewith. How many ships were sent out with fish, pretended to be so cured, which never carried any to a foreign market? Do not we know, that some ships have been entered, or at least pretended to have been entered, and the drawbacks for the cargoes of such pretended ships have been not only allowed, but paid, and yet it was afterwards discovered, that no such ship was ever built? One gentleman was obliged to fly his country for such practices: It is true that he afterwards got a pardon, and soon after, a commission in the customs: How he came to deserve such favour and such preferment is more than I can tell; but I am sure no man ever was, or will be deterred from being guilty of such crimes, by the severity of the punishment he met with. The multitude of those frauds committed by the exporters, or pretended exporters of fish cured with foreign Salt, was so great, that the government was obliged at last to take the duty entirely off of foreign Salt; and every man was allowed to import duty-free, as much as was necessary for curing all the fish he exported to any foreign market; and what was the consequence? why, under this pretence of curing fish for a foreign market, a great deal of foreign Salt was imported publicly, and afterwards privately sold about the country for all the uses in life; and it is well known, the proprietors of Salt-works know it to their cost, that while the duty continued upon home-made Salt, there was none of it ever made use of in many parts of this island. If this tax be revived, the same frauds will be renewed; and frauds there will be, put it in what shape you will: If you revive the duty on foreign Salt, there will then be frauds as to the drawbacks; if you revive the duty on home-made Salt, without laying a duty on the importation of foreign Salt, then in several places of the country they will fall on some fradulent way or other of getting foreign Salt for all uses; whereby you will increase the national expence, and in a little time destroy most of your own Salt-works.

The independency of this House has of late years been much talked of; I hope it will always be independent: But I must say, Sir, that if a scheme had been laid down for making this House dependent upon the crown, a more easy, a more effectual, a more certain method could not have been contrived for the success of such a wicked scheme, than this of reviving the Salt-duty. By this duty there is so large a sum yearly raised, and so little brought to the public account, that it may really be most properly called a bribing us with our own money. I am sure his Majesty never can think of such a scheme; he has the interest of the nation and the benefit of mankind too much at heart, to let any such schemes ever enter into his thoughts; but every man is sensible, that a great number of officers, all named by the crown, and removeable at the pleasure of the King, or of those in the administration, may have, if so applied, an influence upon the elections for members of parliament; and considering the time that this duty is now laid on, that it is laid on for three years only, and that within that time there is to be, as it is hoped, a new choice of representatives, one who does not know his Majesty's good and just intentions will be apt to suspect, that the laying on of such a tax at such a critical juncture, is with design to influence the approaching elections. I shall always be against any measure that may give the meanest of his Majesty's subjects the least cause to suspect, that his Majesty ever had a design of making use of any such influence. I am convinced, he has no such design; I firmly believe he never will form any such design; but as much the greatest part of the

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people live remote from court, and have no opportunity of knowing his Majesty's real intentions, they may put wrong constructions upon things; and therefore no man, who is a sincere lover of the present happy establishment, ought to agree to any measure, which is in its own nature liable to be misapprehended, and apt to raise jealousies and fears among his Majesty's faithful subjects.

Mr. Dundas having done speaking,

Sir *Robert Walpole* spoke again:

Sir,

Though I had examined this affair with the utmost accuracy I was capable of: Though I was convinced that what I was to propose, was for the public good, and for the relief of those who have been long oppressed; yet I expected that the motion I was to make, would meet with opposition, either from those who have not so thoroughly considered this matter, or from those whose particular interest or private views lead them to be against it. However, this difficulty and trouble which I foresaw I was to encounter, did not, nor ever shall deter me from offering to this House what I take to be for the good of my country, and for the relief of those in distress. All public assemblies must for ever be composed of persons who have different ways of thinking, different interests, and different ends. Every tax that can be proposed will be objected to by some of those who are to pay for it; and the most unequal tax will be approved of, and preferred to the most equal, by those who are to contribute nothing, or a very little thereto. The Journals of this House may afford us many examples of petitions presented, and a vigorous opposition made, against things that have in their own nature appeared to be an universal benefit to mankind. Those who live by the necessities of mankind, will for ever oppose what is proposed for their relief; from hence it is, that we always see great opposition made to all attempts for improving the navigation of rivers, or of waste lands and commons; we are therefore, Sir, never to conclude against the public benefit of any proposition, because we see it violently opposed.

Envy and malice will often prompt men to oppose what is apparently for their own immediate benefit, as well as for the benefit of their country. Every man, I believe, even in a private station of life, has enemies; but those who are in any public station have always a great many. Those who envy them, will always grudge them the glory of doing any thing for the public good, and will endeavour to defeat, or to give a wrong turn to whatever they propose for the benefit of their country, or for the ease of the people. I do not believe that any gentleman in this House opposes what I have moved for from any such motives. I am persuaded that the opposition made thereto proceeds entirely from their mistaking the case before us, and therefore I shall endeavour as much as I can, to remove those mistakes, and shall think the pains I am at well bestowed, if I can thereby convince any one gentleman of this House of the error he has been in.

The influence to be added to the power of the crown, by the addition of such a number of officers, as must be employed in the collecting of this revenue, is, I find, a mighty objection against the reviving of this duty upon Salt. I am sorry, Sir, to find that any gentleman should think so meanly of his native country. Our liberties and our properties would indeed be in the most imminent danger, if an addition of 4 or 500 officers could add such a terrible influence to the power of the crown. But, Sir, we have the experience of above 30 years, to convince us of the unreasonableness of such apprehensions; and during a great part of this time, the crown had, besides this number of Salt-officers, a much more numerous army than it has at present; consequently the power of the crown must have been much greater than it can be made by what is now proposed, and yet it was never found to be too great; but on the contrary, the crown was always obliged to sue for, and to submit to the inclinations of the people. While the power of the crown is properly applied, and made use of only to defend the liberties and properties of the subject, the crown will always have the inclinations of the majority of the people in its favour. This is the natural and just influence which the crown ought to have, and I hope it will never have any other in this kingdom. We know that the factious and disaffected have always exclaimed against the number of officers, and have alledged that the disappointments they met with in their opposition to the most just and most reasonable measures proposed by the court, proceeded from the influence of such officers; but it is evident, that the people of this nation never could be brought by such influence, to do any thing that was inconsistent with their liberties and privileges: And as there is no greater number of Officers now proposed, than what was before employed when this duty was subsisting, it cannot be presumed that this influence will now be greater than it has been in times past. Do not therefore let imaginary fears and vain apprehensions deter us from giving a relief to the most distressed part of our fellow-subjects.

Another bugbear raised against this duty on Salt is, that it is a sort of excise, and may be a precedent for introducing a general excise. I am persuaded that no man ever thought of introducing a General Excise into this country; I can answer for myself that I never did; but because there is such a term as a General Excise, because there may be such a thing in some countries, shall we therefore admit of no particular excise, nor any duty upon any particular commodity? We may as well say we will pay no tax, because in some countries that have the misfortune to be subject to arbitrary power, they are oppressed with taxes. An Excise is only a word for a Tax raised in a different manner; and if it be found by expe-

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rience, that our present method of raising our taxes is more burthensome upon our trade, and more inconvenient and expensive to the merchant, than the raising them by way of excise would be, I see no manner of reason why we should be frightened by these two words, 'General Excise,' from changing the method of raising the taxes we now pay, and choosing that method which is most convenient for the trading part of the nation. The laying of an Excise upon one commodity, or upon one sort of provisions, can no more be a precedent for a General Excise, than my giving a poor man half a crown, can be a precedent for my giving him my whole estate. We find that the method of raising taxes by way of Excise, is not absolutely inconsistent with liberty; we find it is the method by which most of the taxes are raised in Holland; and their method is reckoned much more preferable to ours, by all those who understand any thing of trade; yet no man can say but that the Dutch are a free people, and are as jealous of their liberties as any people ought in reason to be.

There are at present no thoughts of converting any duty into an excise; but if all or most part of our customs were converted into excises, I am persuaded it would be beneficial to our commerce in general, and there is no great fear of its adding so much to the Civil List; for notwithstanding the great clamours that have been raised upon that head, it appears, that from his Majesty's accession, to the year 1731, even including the sum of 115,000*l.* granted by parliament to make up the deficiency of the Civil List revenue, the produce of all those duties appropriated to the Civil List, has not in the whole amounted to 800,000*l.* per annum, which is the sum that has been judged by parliament to be necessary for supporting the charge of his Majesty's Civil List; so that if by the method of Excise these duties should produce a little more, and it is not to be presumed that they can produce a great deal more, they will only make up that sum which the parliament have thought themselves obliged in justice to make good to his Majesty.

I must say, Sir, I am surprized at the proposal that has been made for laying this whole tax upon Salt made in Scotland; I am persuaded the gentlemen are not serious in what they proposed; I reckon it was made only to divert the principal question, and to oblige the gentlemen of that country to be against it, not because they disapprove of it in the main, but for fear their country should be, by an after-resolution, charged with a duty which, by the articles of the Union, they are declared free from for ever. The Salt-duty, now proposed to be revived, was granted at two several times; one was for but 1*s.* per bushel, the other was for 2*s.* 4*d.* per bushel. At the time of making the Union, the Scots commissioners were willing that their country should after a certain term of years be subject to the 1*s.* per bushel; but they declared that their people could not possibly afford to pay the additional 2*s.* 4*d.*; and therefore they insisted upon their being free from it for ever, which on our side was agreed to. The Act of the 9th and 10th of king William had imposed this duty of 2*s.* 4*d.* for ever, and therefore that article of the Union relating to this duty upon Salt was drawn up in these terms: 'That the Scots should be exempted, 'for seven years, from all duties whatever on 'home-made Salt, after which they were to 'pay the duties levied in England, with this 'exception, and in these express words, 'That ''Scotland shall, after the said seven years, re-''main exempted from the duty of 2*s.* 4*d.* im-''posed on home-made Salt, by an Act made ''in England in the 9th and 10th years of ''king William 3, of England.'' Can there be any thing more express than this? By the Act therein mentioned, the duty was expressly to continue to be levied in England for ever. Is it not therefore evident, that by the article of Union referring to that Act, the Scots are for ever to be free from that duty? Shall we be so unjust, shall we be so ungenerous, as to make use of a down-right quirk in law to subject those people to a duty, which by the agreement between us, they are for ever to be free from? This was the express stipulation between the two nations at the time the Union was made. How captious then must it be to say, that the exemption can only bear a relation to the duty imposed by that act, and cannot be claimed with respect to the same duty now to be imposed by a new Act? If such a pretence were to be admitted, if taking off any duty imposed by former acts, under which the people of Scotland were intitled to an exemption, and laying on the same duty again by a new act, were admitted of as an avoidance of their claim of exemption, of what force can any such article of agreement be? Have we it not in our power at this rate to defeat every exemption, which the Scots are intitled to by the Union? For it is but repealing that act under which they claim an exemption, and then in a year or two afterwards imposing the same duty by a new act. Thus the Scots might be at once subjected to those duties which they are not able, which they ought not to bear. But would it be fair, would it be candid in us to make use of such a subterfuge, against a nation that has trusted so much to our honour.

This tax cannot therefore be said to be unequal, because Scotland does not pay as much as is paid in England. The people in that country are to pay as much as they ought to pay, and as much as we can in justice or equity demand; nor does it signify whether the share they pay be sent up here or not: they have an equal right to be protected and defended; the protecting and defending the people of that country is a part of the public charge: It is a part of the national expence, and must be defraved out of the public revenue: and the applying the money raised in that country, towards the public expence in that country, is the same as if it were sent up to the Exchequer

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here. We ought to be the more careful of that part of the island, because we have found by experience, that there can be no invasion upon, nor any commotion among the people in that country, but what must soon come to affect ourselves. For our own safety then we are obliged to be at the charge of defending them, and consequently it can be no objection against any tax, that the produce thereof arising in Scotland is applied to the answering of such a purpose. Nor is this tax unequal, because of the loss that the proprietors of salt works may sustain, for none of their estates can be thereby diminished. The tax is not paid by the maker, or by the seller, but by the consumer; and the charge comes to such a trifle upon every particular man, that it cannot be pretended that any man will consume less salt than he did before; if there were no such tax, no man would make use of more salt than he had occasion for, and the tax makes so small an additional charge, that it will never oblige any man to make use of less.

The great charge of raising this tax, has been made use of as a weighty argument against it; but when we come to make a comparison between this and the land tax, the difference will be found to be but inconsiderable. If proper allowances are made, it will be found that the raising of this tax upon salt will not cost the government above 22,000*l.* per annum. The land tax we know costs the public, by parliamentary allowance and other necessary charges of management, at least 18,500*l.* per ann.; besides this, there is an office kept in commission on purpose for superintending it, which costs above 4,000*l.* per annum more; so that the land tax really costs the public about 18,000*l.* per annum. Thus the difference between the charge of raising the salt tax, and that of raising the land tax, appears at last to be but 4,000*l.* per annum, which is not half a farthing in a year to every person that is to contribute thereunto. Shall we then for the sake of saving this 4000*l.* a year to this nation in general, or this half-farthing to every particular person; shall we, I say, for this reason continue to oppress the landed gentlemen, contrary to all equity and justice, and refuse to approve of a measure by which they are to be relieved, without throwing any sensible charge upon any one man in the nation? If the difference were much higher than what it is, is it not with respect to the nation in general amply repaid by this, that in continuing the land tax at two shillings in the pound, the nation is obliged to raise the whole sum wanted within one year? whereas if the land tax is put at one shilling in the pound, and the salt tax laid on instead of the other shilling, the nation has three years to raise that sum, which otherways is to be raised in one. Every man in common life, would rather chuse to have three years for the payment of a debt, than to be obliged to pay it in one: every man would be glad to pay something for such an indulgence, and a great deal more in proportion, than the difference of the charge in raising those two taxes can ever amount to.

The great difference, that always appeared between the gross and net produce of this duty, has been made use of as an argument to shew the great charge of collecting this revenue, and to convince us that there was always a great deal more raised from the people, than ever came to the benefit of the public; but this argument will quite vanish when the matter is set in a clear light; it will then appear, that those gentlemen are in a very great mistake: they have always called that the gross produce which never was any thing but the gross charge; these are two things of a very different nature, and therefore they never ought to be confounded by those, who have a mind to form a right judgment about any branch of the revenue. We know that while this duty was subsisting, the gross charge was generally reckoned, communibus annis, at about 470,000*l.* per annum, but then there were a great many articles charged to this branch, which never were really produced or paid to it, and consequently they never can be reckoned any part of its gross produce. I shall take notice of the most considerable of those articles, which were charged and brought to the general account of this branch, without ever being produced or paid by any one person, and therefore it is certain that they never could be looked on as a charge or burthen upon the subjects of this nation.

In former times, while this duty was subsisting, we know that all salt was charged with duties when sold and delivered from the works, and consequently from that instant it became an article of the gross charge of this revenue; but then whatever salt was bought by any person who had a mind to export the same, he paid no money for the duties then charged upon the salt he had bought, but entered into a bond to pay the duty, which bond was cancelled upon a debenture made out, certifying the salt to have been exported. From hence it appears, that for all the salt that ever was exported, there never was one farthing of money actually paid by the subject; and by the books it appears that this one article alone at a medium, amounted to 120,000*l.* per annum. As no part of this sum was ever produced or paid by any person, therefore it cannot be reckoned as a part of the gross produce, though it was always reckoned as a part of the gross charge.

Another considerable article arose from what was allowed for the fishery; for curers of fish paid no duty, neither did they give bonds for what salt they used in curing of fish; but the quantities, which they took up for that purpose, were all entered in the accounts of the office, as a part of the gross charge of this duty, and were all discharged upon due proof given, that the salt had been used in curing of fish; and this article amounted at a medium to 51,000*l.* per annum, which is likewise to be deducted from the gross charge.

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Rock-salt was charged with the duty at the pits, and a great deal of this rock-salt was afterwards melted down, and made into white salt, which was also charged with the duty, and both these duties were charged in the accounts of the office; but the refiner or maker had an allowance for so many bushels of rock-salt, for which the duty had been charged, as he had melted down and made use of in making white salt. This article generally amounted to about 36,000*l.* per annum, and is to be deducted from the gross charge.

It is well known that the whole sums, payable for duties, were always charged in the books of the office; and yet there was always a discount for prompt-payment allowed, which amounted to about 20,000*l.* yearly; and besides this, there was another allowance for waste on salt carried coastwise, which one year with another came to 11,000*l.* per annum. There was likewise an allowance for salt lost at sea, and an allowance or a drawback upon salt-beef and pork exported, both which amounted to 1,650*l.* per annum. All these sums added together amounted to 239,650*l.* and as they never were raised upon the subject, or if raised were always returned, therefore they must all be deducted from the gross charge, and the remaining sum only, being 230,350*l.* is to be reckoned the gross produce. From which if we deduct the charges of management, viz. 25,000*l.* there remains 205,350*l.* which is the nett produce. And if from this we deduct the bounties paid annually to the exporters of fish, and which must be paid whether we revive this tax or not, these bounties amounting yearly to the sum of 19,000*l.* the remaining sum will then be the nett sum to be paid into the exchequer, viz. 186,350*l.* on the credit of which 500,000*l.* is now proposed to be raised.

By this short abstract of the account, it will, I think, Sir, most evidently appear, that there is nothing in that argument so much insisted on, that there is a great deal more raised upon the people than ever can come to the benefit of the public. There is no evading of facts, and upon the most exact examination of them it appears, that every shilling that is actually raised from the people, comes to the use of the public, except this sum of 25,000*l.* per annum, allowed for the management of this revenue. And even this 25,000*l.* is all to be given to our own people; many families may be thereby maintained who would otherwise be a burthen upon their country; and thus the greatest part even of that sum will come to be useful to the nation in general, and may therefore be properly said to come to the benefit of the public.

Great complaints have been made, and a great clamour raised, that this tax will always give great occasion to frauds and perjuries. I am persuaded, Sir, that no excise whatever is attended with fewer frauds in the management than this tax now under our consideration. What is generally presumed to give occasion to frauds and perjuries in all methods of taxation, is, when great sums of money are to be paid by the subject, and returned to them again upon certain events. Let any man but examine the articles of the gross charge of this revenue, he will find, that there is no money paid and returned. In all those articles by which the gross amount is made to exceed the gross produce, the accounts of the office are carried on by way of debtor and creditor; there is hardly ever any money paid by the subject, that is to be returned either to him or to any other upon any event whatsoever; we must therefore conclude, that in the method by which this tax was formerly, and is now again proposed to be raised, there can be nothing to tempt the avarice, or to encourage the frauds of knavish dealers.

I shall now, Sir, examine some of those particular objections that have been made to this tax. The only one that I think has any appearance of reason in it, is, that with respect to the navigation of Great Britain, it is pretended that it will be a great burthen upon the victualling of our ships: but unluckily it happens, that the navigation of Great Britain never flourished more than it did under the payment of this tax. In a course of five and thirty years that this tax continued, it cannot be said, that ever our shipping or our navigation suffered in the least; on the contrary, there is not, I believe, any such term in all our history, in which the number of our seamen, and the number and tonnage of our ships increased so much as it did in that time. This is of itself a clear proof that this tax can be no discouragement to our navigation. But in fact it is plain, that the additional expence occasioned by this duty is such a mere trifle, that it never can be any burthen; by accounts from the victualling-office it appears, that the charge for 10,000 men in the service of his Majesty's navy, was at a medium but 2,600*l.* per annum extraordinary expence, occasioned by the duty on salt, which is no more than five shillings per man; so that if we reckon 30,000 men employed in the navigation carried on by the merchants of Great Britain, the duty on the whole consumption of salt in that service will not exceed 7,800*l.* per annum, and surely no man will imagine this to be a grievous and an insupportable load upon the whole navigation of Great Britain. But those that know any thing of the merchant service can testify, that salt-provisions are not the only victualling made use of in that service. Their ships are often in some port or another, and then the sailors live mostly upon fresh provisions; even when they are at sea, it is well known that the greatest part of their food consists of dried fish, fresh fish catched at sea, flower, rice, and other such provisions. Aboard of merchant ships they never consume near so much salt-provisions, in proportion to the number of their hands, as they do aboard any of his Majesty's ships of war. And our merchant-ships which trade to Ireland or to the plantations, generally take in their salt-provisions in one of those two places, because of the cheapness of meat in those countries; so that the

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expence brought upon our navigation by this tax, especially in the merchant service, will at last be reduced to such a trifle, that it will become altogether insensible. And as to the exportation of salt-provisions this duty can never be any discouragement to such a trade, because the exporters are allowed a drawback in lieu of the duty they have paid.

If salt be of so great a benefit as has been represented in the manuring of lands, it is certain that foul salt may do as well for that purpose as any other salt whatever, and any quantity of such salt may be had gratis for carrying it off from the pits; no duty was ever paid or charged for such salt; the person who took it away to manure his land, having an officer with him, was always intitled to use it duty free; if the tax be revived it will still be the same, and consequently the duty can never be a hindrance to the improvement of our lands, since the only salt that is proper for that purpose is always to be had duty-free. And as to the farmers and graziers of Great Britain, this duty can never be any great charge upon them; whatever salt they use in making up any goods for the market, is paid for at the market by the buyer, and so comes at last to fall where all duties ought to fall, upon the consumer. In their own families there is but very little salt consumed, and therefore the duty cannot fall heavily upon them. If upon computation it be found, that the duty costs but five shillings a head at sea, it cannot cost above half that sum at land, even if we were to suppose that there were as much salt provisions made use of at land as at sea; because we know that there is not half the quantity of salt made use of in curing provisions for the land, as in curing provisions for the sea-service: But we know that for more than half the year, the country people live entirely upon the produce of the dairy and the garden, and even for the other half of the year, they live more upon cabbage, roots and such things, than upon salt meat, consequently we cannot reckon that this duty will stand the farmer in above one shilling a head for those persons that live in his family. It is indeed impossible that it can cost so much; we may modestly reckon that the whole people of England amount to at least 8,000,000 of persons; every one of whom contributes his share to this duty; if then, Sir, the sum raised, which is 230,350*l.* be distributed among 8,000,000 of persons, it will not amount to 7*d.* a man; and if from thence we deduct the 19,000*l.* which the people of England are obliged to pay, whether this tax be revived or not, we must conclude that no person in England contributes more than 6*d.* thereto, for his own personal consumption. He that keeps a great many persons in his family, must indeed pay for each of them, but whoever does so must either have a good estate or a good trade, and consequently may very well afford to pay; and this, Sir, is the excellency of the salt-tax, that every man is thereby obliged to contribute to the public charge, according to his condition in life. For I think that no man will say but that he who has a good trade, or a great deal of money out at interest, ought to contribute as much to the defence of property, as he that has a land estate that brings in no greater yearly revenue.

I hope, Sir, I have now made it appear to the conviction of every man that hears me, that the salt duty is no burthen upon the people of England, or upon any part of them; that it can be no hindrance to the improvement of our land estates, nor any prejudice to our trade or navigation; and it is, I may say, self evident, that it is a more just, a more equal and a better proportioned tax, than any that is raised, or can be contrived to be raised upon the people of this nation. The land-tax upon the other hand is the most unequal, the most grievous, and the most oppressive tax that ever was raised in this country; it is a tax which never ought to be raised but in times of the most extreme necessity. The best judges, the truest patriots in all countries, have been of opinion that of all taxes that upon immoveable goods, that upon lands and houses ought to be the last resource. In such a case there are but few of the people that contribute to the public expence, and even among those few there will always be a great partiality as to the value that is put upon men's estates. This we are very sensible of in England; there are some landed gentlemen that pay a land tax equal to the full value of their estates, while others do not pay equal to a third part of the real value; and generally those gentlemen, who suffer most by this partiality, are those whose ancestors were a sort of knight-errants for the Revolution. They gloried in that happy event, they thought themselves in honour and justice obliged to pay their equal share for the support of so glorious a cause, in proportion to the real value of the estates they possessed; and therefore they gave them in at the full value. This was justice, this was a laudable zeal for the happiness of the nation, and for the liberties and privileges of the people; but their posterity suffered severely for it; and as they always will be the greatest sufferers by every land tax, ought not the merit and the honest zeal of their forefathers to plead strongly for their relief, at least with all those who are friends to our present happy establishment?

To pretend, Sir, that the taking off a shilling in the pound of the Land-Tax, and raising the Salt-Tax in the room thereof, will be no ease to most, or to any of the landed gentlemen in England, appears to me to be really a sort of paradox. I believe there are few landed gentlemen in England, whose estates do not amount to 100*l.* per annum: I am sure that the landed gentlemen of such estates, or of any land estate from 100*l.* to 1,000*l.* per annum, are the greatest objects of compassion, and deserve most the consideration of this House; because those, who have less than 100*l.* a year in land, are generally either farmers or graziers, or have some other business as a help for the

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support of their families. A gentleman then of 100*l.* a year in land, if his estate be rated at the full value, saves 5*l.* a year by the abatement of 1*s.* in the Land-Tax: Let us see if it be possible that this can again be drawn from him by the salt-duty. I believe it will easily be granted me, that no man, of 100*l.* a year and no more, land-estate, without any other business, keeps sixteen in family; but supposing he does, yet at 6*d.* a head the salt-duty cannot amount to more in the whole three years than 24*s.* How then is it possible to pretend that this is not a relief to such a gentleman? To pay but 24*s.* in three years, and at a thousand, I may say, different payments, is surely better, and much less grievous, than to be obliged to pay 5*l.* in one year, and at most at two payments. But suppose that such a man's estate is rated at the lowest value, that any lands in England are presumed to be rated at; suppose such an estate to be rated but at one third of the full value, yet still by an abatement of 1*s.* in the pound Land-Tax, he saves above 33*s.* and therefore such an abatement must be a relief even to such a man, of at least 9*s.* besides the advantage he has of having a much longer time to pay a less sum. Thus we see that what is now proposed must be a very great relief to those, who are oppressed with mortgages and rent-charges, and must be some relief to every landed gentleman in the kingdom, who has nothing but the rents of his estate to depend upon, for the support of his family, and providing for his children.

If there were any danger, Sir, that the reviving of this tax would occasion murmurings among the people, I should be as much against it as any man in this House; but the tax is in its own nature so equal, and paid by such a vast multitude of people, and at so many different payments, that it becomes quite insensible to every particular man. We know by experience, that during the long time it was paid by the people, it never occasioned the least uneasiness, and we find that the remission of it gave no ease; it occasioned no joy among the people, nor were there any good effects of it felt, either as to the lowering the price of goods or provisions at market, as to the raising the value of lands, or as to the reducing the wages commonly given to journeymen and day-labourers. Those therefore who have a regard to the interest of his Majesty, or to the ease and quiet of the kingdom, cannot make the least scruple in preferring a tax that is felt by no man, to a tax that is insupportable to a great many of those that are obliged to contribute thereto. Such a measure can breed no new enemies to our present happy establishment, but must convert a great many of the old, and insure the affections of the most considerable part of his Majesty's subjects.

In this, Sir, as well as in all the other motions, which I have ever had the honour to make to this House, I have always acted according to my own judgment for the good of my country, and therefore, Sir, I have no reason to be afraid of the curses and imprecations of any man. I do not think it altogether parliamentary to use any such expressions in this House; every man ought in common charity to be presumed to act according to what he thinks best, and most conducive to the interest and happiness of his country. I have always done so, and while I continue to do so, I shall despise any outcries that may be groundlessly raised against me, or against any measure I propose.

To conclude, Sir, the only thing I had in view was, to propose what I thought the most easy and the most convenient method of relieving the landed gentlemen, in part at least of that tax which has so long lain heavy upon them, and upon them only; I am convinced that every gentleman in this House will agree with me in this, that a land-tax, even of two shillings in the pound, is a most grievous tax upon all the landed-gentlemen in the kingdom, more especially upon those, whose estates are charged with heavy mortgages or large annuities; and I think I have clearly shewn, that the duty upon salt is no way inconsistent with our constitution, is no way burthensome either upon our navigation or our trade, and I am sure it cannot with any appearance of reason be said to be grievous upon any particular man, or upon any set of men within the dominions of Great Britain. Let us then, for God's sake, gentlemen, have some consideration for the freeholders, who have suffered so much for many years; let us have some compassion for those gentlemen, whose estates are deeply charged with mortgages and annuities, occasioned by the heavy land-taxes which their forefathers have been obliged to pay. It is but reasonable that the creditor should contribute to the public expence as well as his debtor; and the most proper method for effectuating so just a design is, in my opinion, the reviving the duty upon salt. If any gentleman can propose a better, I shall most heartily join with him, and whoever thinks he cannot, will, I hope, agree to what I have proposed.

Mr. *William Pulteney* replied as follows:

Sir: From what his Majesty was graciously pleased to tell us from the throne at the beginning of this session, I did indeed expect, I believe the whole people of England with me did expect that we were to receive some ease as to our taxes; some real, some effectual ease was expected, and was with reason expected. How are these expectations of the poor people to be answered? By the proposition now made, a part, by much the greatest part of them, are to be subjected to a new tax, and the remaining part are to be indeed free of part of an old tax, but instead thereof they are to pay a new tax, which will be equally grievous to most of them, at the same time that it is grievous to every other person in the nation. This, Sir, is the relief that the people of England are, by the proposition now made, to meet with from the

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establishment of a profound tranquillity both abroad and at home.

Every gentleman in this House must remember, how this tax upon salt came to be taken off. Only two years ago his Majesty was pleased to open the session with a most gracious Speech, in which he expressed a compassionate concern for the hardships of the poor artificers and manufacturers; from whence we must conclude, that his Majesty's opinion then was, that that sort of people laboured under the greatest hardships, and were the first who ought to be relieved. The circumstances of the nation are not much altered since that time; the landed gentlemen are not, I hope, grown very much poorer, or less able to bear burtheus; the poor artificers and manufacturers, are not, I am sure, grown richer; and therefore I must think, that his Majesty has not altered his opinion, whatever some gentlemen in this House may have done: It is certain some of them have, because at that time there was not so much as one man in this House that differed in opinion from his Majesty. Every man agreed that the poor artificers and manufacturers were the first, who ought to meet with relief from the happy situation of our affairs; the only difference was as to the manner of giving them relief, and even that did not bear a question; this tax upon salt was then thought too grievous upon the trade, the manufactures, and the poor of this nation, that it was given up even by the right honourable gentleman who has now made the motion for reviving it. I wish he had given us some reason for his being now of a different opinion, from what he was of at that time; for it must proceed from some fact, or from some circumstance that has either happened since that time, or is soon to happen. If he foresees any extraordinary event, I wish he had been so good as to communicate it; for my part, I can see none that can possibly induce me to change my opinion; but on the contrary, I foresee many for confirming me in the same sentiments I was then of, and which I think ought to confirm every man who considers the consequences of things, and has a stronger regard for the liberties of his country, and the happiness of posterity, than he has for his own immediate interest.

I am very ready to believe, that every man acts from the justest motive, and from a sincere and hearty regard for the interest of his country, and for the happiness of his fellow-subjects; but as the true motives of a man's acting or speaking cannot be with any certainty discovered by another, therefore we are to regard only what he does or says. A man may act honestly, may argue justly from very bad motives; and on the other hand we know, that many wrong actions and foolish arguments have proceeded from motives, that were in themselves generous and good. Let us then in charity believe, that whoever differs from us in a mistake, and that whoever agrees with us, acts from the same good motives we do ourselves: then we shall examine each other's arguments with candour; then is truth most likely to prevail.

Let us not confound the matter in hand, and believe that the question now before us, is, whether or no a relief ought to be granted to the landed interest: That is no way at present the question in debate. By the resolutions of this House upon the supply, there is 500,000*l.* to be raised for the current service of the year; the raising of this sum we have already made necessary; our resolution is not to be recalled. We are now in a committee of ways and means, and the only question before us, is, whether we are to raise this sum of 500,000*l.* by laying a shilling upon land, or by reviving the duty upon salt. Neither of them can be a relief to the landed gentlemen; upon the contrary both must be burthensome to them. But the one or the other we have made necessary, and therefore the only question now before us is, by which of these ways we shall raise this 500,000*l.*

This being then the true state of the question, we are to consider which of these methods will be most convenient for the nation in general, and that we are to choose without any respect to who is, or who is not to contribute thereto; for we are never to do any injury to our country for the sake of any private man, or of any particular set of men. The thoughts of raising a general excise, I find, have been disclaimed by every gentleman, who has spoke in this debate; I hope this nation will never be in such slavish circumstances, as that any man dare openly avow such a design; but I wish that every gentleman that has talked upon this subject, had explained to us what he meant by a general excise; for if any gentleman thereby means, that the people are to pay excises upon every thing they use either for food or raiment, he will find that there is no such general excise in the most arbitrary, the most slavish country upon earth. I believe there is no country under the sun, where the people pay an excise for the water they drink, and yet in some countries it will be allowed that there are such things as general excises. I therefore take it, that the proper meaning of a general excise relates not to the things upon which it is raised, but to the persons from whom: and every excise is a general excise, if the whole body of the people, the poor, the needy, the most wretched, are obliged to contribute thereto. If this be the meaning of a General Excise, the Excise now proposed to be raised upon the people of this nation, is as general as any one that can be, or ever was invented under the most absolute tyranny. And if this be granted, and tamely submitted to by the people, it may be an encouragement to ambitious and wicked ministers in future times, to proceed a step farther, and lay another Excise upon some other commodity used by the generality of the people; that again will give encouragement to a third attempt, and so on, till at last the people of this country be subjected, as well as some of our neighbours, to a General Excise in the most extensive sense; that is, an Excise upon every person, and upon almost every thing, that can be converted to the use of man.

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Such a General Excise was never established at once in any country, it has every where been introduced by degrees; and in all the countries where such an excise has been established, we may generally observe, that the first step made towards it was, the introducing this very excise now proposed to be laid upon the people of this nation. When we were involved in a heavy and expensive war, when we were fighting for every thing that was near and dear to us, when our land tax was at four shillings in the pound, when every thing we could think of was loaded with duties and customs, it was then a sort of necessity upon us to submit to such an excise; but if we agree to it now, during a time of profound peace, and when no necessity calls for our submission, will it not then be a precedent for every excise that in future times may or can be invented? And a few more excises would, I fear, render our liberties precarious, and entirely dependent upon the good-will and pleasure of those, who shall happen to be intrusted with the chief power of collecting the public revenue. The giving a man half a crown is indeed no precedent for my giving him my whole estate; but if I repeat my generosity too often, and continue it too long, I may happen to put it in his power to take the residue from me, whether I will or no, and in such case, I am afraid, it would be too late to alledge, that the one is no precedent for the other; for if by my simplicity I reduce myself to such circumstances, I must submit to whatever he may be pleased to call a good precedent. I hope no project will ever be set on foot, for converting any of our present taxes or customs into excises; but if ever such a project be set on foot, I shall then, I believe, be able to shew, that no Dutch custom can in that respect be a good rule for us. The nature of their government, the situation and condition of their country, and the nature of the commerce carried on by them, is so vastly different from ours, that what may be safe and easy in one country, may be grievous to the people, and inconsistent with the liberties of the other.

I am very far from thinking, that four or five hundred officers at the disposal of the crown, can at any time be of dangerous consequence to the freedom of elections, or to the liberties of the people; but I cannot be persuaded, that I think meanly of my country, when I declare that I am jealous of such a number as seven or eight hundred, added to a vast multitude of tax-gatherers we had before among us. When the balance of power comes near to its just equilibrium, a small weight thrown into either scale oversets the balance, and the equilibrium can never be re-established without a great deal of danger and trouble. It is certain, that a multitude of officers at the beck of an administration, and spread over all the counties, cities, and boroughs of the kingdom, may have a vast influence at all elections; and if ever they should happen to receive orders for that purpose, we may judge what use they will make of the influence they may have: I believe it will be generally agreed, that if ever we should have an administration wicked enough to make use of such an influence, it will not be converted towards the preservation of the liberties of the people. The character of those great patriots, who first contrived this duty, was no argument for the continuance of it, much less is it an argument for the reviving it. They did not out of wantonness contrive such a duty; they were constrained by a fatal necessity, to lay it upon the nation at that time. They made no bad use of it, but we are not from thence to infer, that no bad use will ever be made of it: From our own history we may be informed, that a very bad use has been made of several things, which for many years after the first institution had never been converted to any unlawful purposes. Wherever there is any such danger to be feared, we ought not willingly, we ought not presumptuously to expose ourselves thereunto. Such evils may be easily avoided, but are not easily removed. One of the chief reasons urged for the abolishing of this duty, was, the number of officers employed in the collecting thereof, such a number of officers was then said to be inconsistent with the liberties of a free people. This argument was then made use of, and was then admitted to be a good argument; how it comes now to be such a trifling one, I cannot apprehend. But if it is not now admitted as a sufficient argument against the reviving of this duty for three years, I much suspect, that at the end of this term of three years, neither this argument, nor any other, will have weight enough to prevent the continuing of it for a much longer term.

I must say, Sir, that I am astonished to hear any man who has ever read the Articles of Union, or is in the least acquainted with the transactions of those times, pretend that the people of Scotland are any way intitled to an exemption from the salt-duty, or from any part of it, when it is to be laid on for the current service of the year. It is very well known, that it was laid down by the commissioners of both kingdoms, as the basis and foundation of the Union, 'That there shall be an equality of 'excises, customs, and all other taxes through-'out the united kingdoms.' There was at that time no thought of establishing any proportion to be raised in Scotland, with respect to any tax or excise then raised, or thereafter to be raised in England, except only as to the land-tax. There was before the Union a land-tax raised in Scotland as well as in England; but in the two kingdoms it was raised in a different manner. In Scotland it was laid on, and levyed by way of so many months assessments: In England it was laid on and levyed by way of so many shillings in the pound; and therefore it became necessary to consider the proportion between a month's assessment in Scotland, and a shilling in the pound in England; and the proportion was established at the rate of two months assessment in Scotland, for every shil-

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ling in the pound, that was thereafter to be raised in England. Thus the settling a proportion as to this tax was necessary; but as to the other taxes, especially the tax upon salt, there was no such necessity, and therefore it was never so much as thought of.

But, Sir, many of the taxes then levied in England, being mortgaged for the payment of debts contracted by England before the Union; it was therefore agreed, that the Scots should either be free from the payment of such taxes, or should have an equivalent for that part of the debts of England, which they were to pay, by their being made subject to any taxes so pre-engaged: And this tax of 2*s.* 4*d.* on home made salt, was one of those taxes that was mortgaged for the payment of a part of the debts of England, therefore the Scots were to be free from it, or to have an equivalent for it: And the Scots commissioners at that time most reasonably judged this tax to be so grievous upon the people that they chose rather that their country should be free from it, than to take an equivalent and be liable to it. Even by the commissioners for both kingdoms, this tax was then thought to be such a grievous tax, that it was presumed the parliament of Great Britain would certainly take it off, and substitute some more reasonable tax in its room; in which case, Scotland was to be subject to such tax so to be substituted; but it was stipulated and agreed, that in such case, they should have an equivalent proportioned to this new tax, to which they were to become subject; from all which it evidently appears, that the only reason for their having been declared free from the payment of this 2*s.* 4*d.* upon salt was, because it had been mortgaged for the payment of a debt contracted in England before the union, and not comprehended in the account of those debts which Scotland was to pay a part of, so that they received no equivalent for it: But though this duty had never been abolished, yet in case the debt for which it was mortgaged had been paid by us, or otherwise provided for by a new tax, and this tax of 2*s.* 4*d.* upon salt continued, and converted either to the current service of the year, or to the payment of a debt contracted since the union, Scotland could not surely pretend to an exemption, either from the new tax, or from the payment of this 2*s.* 4*d.* upon salt, after its being so converted; the most that they could in such case have pretended to, would have been an equivalent for the new tax they had thereby become subject to.

'Tis true, Sir, that act of the 9th and 10th of king William, by which this duty of 2*s.* 4*d.* upon salt was established, has that terrible word 'For ever' in the body of it. It is indeed a terrible word, when it is annexed to such a grievous tax. It is a word that I am sorry my country has so much reason to be acquainted with: But that dreadful word, even by the act itself, is confined; it is confined to the payment of that debt, for which this tax was then appointed; and since that debt is now otherwise provided for, it is, with respect to this duty, to be looked on as paid, and the conditional perpetuity in that act, meant by the word 'For ever,' is now at an end. It is impossible therefore to presume, that if the Scots Commissioners had ever meant, that their country should have an absolute perpetuity, with respect to the exemption from this salt duty, they would have referred to this act, by which a conditional perpetuity was only established. But the transaction was honest and fair, and the words are plain to every man, that has a mind to comprehend them: The Scots Commissioners had a mind that their country should be free from the payment of any part of that debt for which this duty was appointed; and therefore it was agreed, that while this duty remained appropriated to the payment of that debt, their country should be for ever free from it: But it was never so much as intended by either party, that their country should be free therefrom, in case it should, after the payment of this old debt of England, be converted to the use and benefit of the two United Kingdoms in general.

It being thus evident, Sir, that the people of Scotland have now no title, by the Articles of Union, to an exemption from the payment of this 2*s.* 4*d.* upon salt, the only question then is, whether we ought out of compassion to indulge them with such an exemption, because the poor people of that country are not able to pay it: I really think, Sir, we ought to have so much compassion for the people of that country; but then I hope it will be allowed me, that we ought to have an equal compassion for the poor people of England: journeymen and day labourers, who have no stock, no property, are equally poor in all countries; they have nothing but what they work for from day to day; and if it be said, that the poor people in England are able to pay this duty, because they have high wages, it is an unanswerable argument against the tax in general. It is now an universal complaint in this country, that the high wages given to workmen is the chief cause of the decay of our trade and manufactures; our business then is, to take all the measures we can think of, to enable our workmen to work for less wages than they do at present; and therefore it must be contrary to good policy to lay on a tax, which it is granted would be insupportable to the poor, if it were not for the high wages they have; for the laying on of such a tax must make the continuance of such high wages absolutely necessary, and the continuance of them will certainly bring the nation to poverty and distress.

I must say, Sir, that the reasoning of some gentlemen upon the subject in hand appears to me a little inconsistent: This salt duty, say they, with respect to England, is a tax altogether insensible; with respect to Scotland, it is a tax that is altogether insupportable: In England, the tax is raised upon such a great multitude of people, and at so many different payments, that no man can feel what he pays: In

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Scotland, though it be raised upon the same multitude of people, and at the same different payments, yet if the whole were laid upon the people of that country, every poor man would not only feel what he paid, but would be utterly incapable to comply with the payments required: In England, it can raise no grumblings, no murmurings, nor any complaint among the people: In Scotland, it would raise such terrible discontents, as might disturb the peace and quiet of the kingdom and endanger the constitution. How inconsistent is this way of arguing? What an insult is this upon the people, who quietly submit to the loads that are laid upon them?

The distinction that has been made between the gross charge and the gross produce of this duty, seems to be something new. There is certainly as much reason for this distinction almost in every branch of the customs or excise, as there is for it in the present case; and yet I never heard it made use of by any of the officers of the revenue. But supposing this distinction to be reasonable, yet if we examine the particulars of the account that has been given us, we shall find that several articles have been put to the gross charge, which really ought to be put to the gross produce, because they are actually raised upon the people, though they come not to the use of the public, but to the use of the merchants and dealers in salt. I am surprized to hear it pretended, that the allowance for prompt payment ought not to be reckoned as a part of the gross produce, or that the sum allowed for that discount is not raised upon the people. Does any man suppose that the wealthy dealer pays his ready money for the benefit of his customers, or that the consumer pays the less for his salt, because the merchant from whom he purchases paid the duties in ready money? Does not every man know, that these prompt payments are made by the rich dealers, only for their own account; and that notwithstanding their being allowed a discount of 10 per cent. yet they sell as dear as if they had paid the full duties? The article then of 20,000*l.* for prompt payment, is not to be deducted, but is to be looked on as a part of the gross produce.

The 11,000*l.* allowed for waste on salt carried coastwise is likewise an advantage only to the dealer: It is no advantage to the people, for every farthing of that sum is raised upon and paid by them. The allowance arose from a presumption that there was a waste on salt carried coastwise; and therefore threepence per bushel on all white salt, and three halfpence per bushel on all rock salt carried coastwise, was allowed to the dealer in salt. But it is certain, that in such case there can be no waste, there is always rather an increase, because of its being very dry when put on board, and afterwards made to swell and become more weighty by the moisture of the air, to which it is exposed in the removing of it from place to place: Since there can be no waste, we must presume, that the whole is bought and consumed by the people; and we know that they always paid for it the same price as if the full duty had been paid by the dealer. This allowance did not even so much as induce the dealer to sell cheaper, for the consumer always paid for the carriage, as well as for the duty and first cost, and the longer the carriage was, the consumer always paid the higher price. This 11,000*l.* is therefore to be considered, as a part of the gross produce.

The allowance for rock salt melted, is of the same nature. This arose from a supposition, that in the melting of rock salt, and refining it into white salt, there was a great waste, and therefore ten pound weight in sixty-five was allowed duty free. But I have been informed, and the fact appears reasonable, that rock salt dissolved in fresh water, will produce its own weight in white salt, and when dissolved in sea water it will produce one fourth part more. If we only suppose that there is no waste, we must presume that the whole is bought and consumed by the people; and we know that they always paid as much for white salt made out of rock salt, as they did for any other sort of white salt; therefore we must conclude, that though this allowance of ten pound weight out of sixty-five, be a deduction from the revenue, yet the duty upon every grain of it is raised upon the people; and consequently this article, which is 36,000*l.* per annum, must likewise be added to the gross produce. These three sums therefore of 20,000*l.* 11,000*l.* and 36,000*l.* being added to the gross produce, as stated by the gentleman who was pleased to enter particularly into this account, will make it amount to 297,350*l.* which is the lowest computation we can make of the sum that is to be yearly raised upon the people of England only, by the revival of this tax.

But, Sir, if we consider the many frauds, that have always been committed as to salt pretended to have been exported, and as to salt pretended to have been used in the curing of fish, we must presume, that a great deal more salt is every year used by the people, than what pays duty to the public; and as the consumer always pays the full price, as if the duty had been regularly paid upon the whole, though these frauds occasion a deduction from the revenue, yet the duty upon the whole is paid by the people; and therefore we must presume, that a much larger sum than what I have mentioned must be yearly raised upon the people. This presumption is brought almost to a demonstration, by the number of the people in this nation, even as computed by those who have spoke in favour of this duty: according to their own account, the number of the inhabitants in England, amounts to 8,000,000; if then we suppose that every one of them uses, one with another, but a peck of salt in a year, we must reckon that a shilling at least is raised upon every person by the means of this duty, because the laying on of this duty makes the Salt at least a shilling a peck dearer, than it would otherwise be; and therefore we must compute

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that by the reviving of this duty, there will be at least 8,000,000 of shillings, or 400,000*l.* raised yearly upon the people of England only; and this sum I really take to be the lowest computation that can justly be made.

Let us now, Sir, consider what we are about: we are to raise 500,000*l.* for the current service of the year; this we certainly ought to raise in that method, which will be least burthensome to the nation in general; and if we chuse to raise this sum by reviving the Salt Duty for three years, we make the people really pay 1,200,000*l.* out of which there is but 500,000*l.* brought clear into the public revenue. If this be public œconomy; if this be common prudence; If this be a relief or an ease to the people of England, I leave the world to judge. I think that I can now aver, that when I argue against the Salt-Duty, I plead the cause of my country; I plead the cause of the whole body of the people of England: I do not indeed plead for a relief to them, I find there is no relief to be given; but I plead against laying a new, a heavy, an intolerable burthen upon them. We have by our former resolutions made the raising of 500,000*l.* necessary, but do not let us charge the people with the payment of 1,200,000*l.* in order to raise this 500,000*l.*

From what I have said, Sir, it plainly appears how much more expensive it will be to the nation, to raise 500,000*l.* by reviving the Salt-Duty, than to raise it by a shilling in the pound Land-tax; and yet it has been pretended, that there will be but a small difference as to the expence: this really surprizes me, for figures can neither be mistaken or misconstrued. In order to bring this difference as low as possible, it has been pretended that the raising of the Salt-duty will cost but 22,000*l.* per annum; but I always reckoned, that it cost full 25,000*l.* and I must still reckon so, till I see it contradicted by the commissioners accounts; for the raising or paying the 19 000*l.* annually for bounties was never any additional expence to the public. It has likewise been pretended, that the raising of a shilling in the pound Land-tax, cost near 18,000*l.* per annum, by reason of the office kept in commission for that purpose; but these gentlemen forget, that this office is kept up, and costs as much, when there is but one shilling in the pound as when there is 4*s.* in the pound Land-tax, and therefore I still insist upon it, that the raising of 500,000*l.* by 1*s.* in the pound additional Land-tax, will really cost the nation but 13,500*l.* per annum extraordinary expence, and consequently the difference as to this article in England only, is at least 11,500*l.* per annum. But must not we add to this, the 2,600*l.* extraordinary charge in the victualling office, occasioned by this duty? since this is certainly a charge brought upon the nation by reviving this duty, which we should not be liable to, if we should raise what money we want, by a Land-tax. Must not we likewise add the 20,000*l.* per annum allowed for prompt payment? for as this is no benefit to the consumer, it is a real expence to the people, as much as the 25,000*l.* is, which is paid for management. These three sums added together make the real difference of the yearly expence, between the Salt-tax, and a shilling in the pound Land-tax, amount yearly to 34,100*l.* This, I say, Sir, is the yearly difference; but I hope no man that considers it will pretend, that this, or even three times this sum, is the whole difference of the expence the nation is to be at, in raising 500,000*l.* by a Salt-duty in three years, instead of raising 500,000*l.* by a shilling in the pound Land-tax in one year; for the difference will then be a great deal more than three times this sum. We must then reckon the whole expence of the Salt-duty for three years, and from that deduct the expence of raising 1*s.* in the pound land-tax for one year only: the Salt-tax will then cost us three times 25,000*l.* or 75,000*l.* for management; three times 2,600*l.* or 7,800*l.* for extraordinary expence in the navy; and three times 20,000*l.* or 60,000*l.* for prompt payment; which three sums added together amount to 142,800*l.* and from this we are only to deduct 13,500*l.* viz. one year's expence of raising a shilling in the pound upon land, the remaining sum will then be 129,300*l.* this is the real difference of the expence which the nation is to pay for the raising of this 500,000*l.* in three years by a Salt-duty, instead of raising it in one year by a Land-tax. This is near 26 per cent. and if we add the additional expence in Scotland, and the interest which the public must pay upon borrowing this 500,000*l.* for the current service of the year, it will, I am sure, amount to above 30 per cent. which, I must say, is a pretty considerable premium for three years forbearance of payment, even if the nation were not to pay a shilling of the money till the full end of the term. How consistent it may be with the public good of this nation, to pay so high a premium for forbearance, I shall not determine; but I am sure it will be inconsistent with the private good of any honest man in the kingdom to pay such a premium. This, Sir, is the most favourable light that the affair before us can with any tolerable reason be put in, even by those who appear most sanguine for the revival of this duty; but if we consider it in the light I have before put it in, and suppose that 400,000*l.* is to be raised yearly upon the people, by the means of this duty, it will then appear much more odious; for upon that supposition, which, I am afraid, will prove too true, the nation is to pay 700,000*l.* for three years forbearance of the payment of 500,000*l.* which is a premium of very near 150 per cent. for forbearance.

To pretend, Sir, that this duty cannot give occasion to any great frauds or perjuries, because there is little or no money advanced by the subject, and repaid by the government upon any event, is to me a little odd. It is not the repayment of money by the government that is the cause of frauds and perjuries; it is the great advantage that a private dealer may make, and the little risk he runs by such

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frauds and perjuries, that tempts him to the committing of such. He does not consider from whom, but how much money he may make by such a fraud; and therefore in all manner of taxes, where the tax or duty amounts to much more than the prime cost, there have always been, and always will be great frauds; if the dealer can by any fraud avoid paying the duty, he makes his advantage by selling at a high price. Considering then that this duty to be laid upon salt is no less than ten times the price it may be bought for at the pits, what a fruitful fund do we establish for frauds and perjuries? It may not perhaps be easy to smuggle salt away from the pits without paying the duty; but how easy will it be for the dealer, after he has given bond to pay the duty, and taken the salt away from the pits, to put it aboard of a ship, and re-land it again at some bye creek or corner, or by some other way to get a certificate of its having been exported; by this fraud he gets up the bond which he gave for the duty, and though he gains no money back from the government, yet when he sells to the consumer salt for four or five shillings a bushel, which cost him but a groat a bushel, does he not make a delicious, a tempting profit? And the more tempting it must be, because of the little risk he runs; for he risks only the loss of a groat, for the venture of making four shillings clear profit. If he can but cheat the public, he drives the trade, I may say, of an apothecary, and makes a shilling of every penny he lays out. Again, as to the salt delivered duty-free for the fishery, there is still a greater temptation, since it depends entirely upon the honesty of the curers themselves; none but themselves can tell what quantities they have made use of: If they can but sell their salt privately to dealers or consumers, they may get free of the duty by swearing that the whole was employed in curing of fish; and considering what little regard is had to what is now, by way of proverb, called a Custom-house oath, I am afraid this sort of perjury will be by much too frequent: Nor is the loss sustained by the revenue the only disadvantage; these baits and temptations that are thrown in the people's way for perjuring themselves, may really at last destroy all sort of morality and common honesty among them; and may so much diminish that regard which every man ought to have for an oath, that no man's life or property can be secure, against the plots and perjuries of his neighbours.

As to our manufacturers and poor labourers, this tax certainly will be a charge upon every one of them in general. It will be a shilling at least to every single man or woman that is fit for labour; and if we suppose a poor man to have a wife and three small children, we can hardly suppose him to make use of less than a bushel of salt a year for his family; to such a man this tax will amount to at least 4*s.* 6*d.* per annum. Such a thing as a shilling, or a crown, may be looked upon as a trifle by a gentleman of a large estate and easy circumstances, but a poor man feels sometimes severely the want of a shilling; many a poor man has, for want of a shilling, been obliged to pawn the only whole coat he had to his back, and has never been able to redeem it again. Even a farthing to a poor man is a considerable sum; what shifts do the frugal among them make, to save even a farthing? Let us but imagine ourselves in the condition of a poor labourer, with a wife and three children, almost the whole of the wife's time taken up in looking after the children, and the husband working for a shilling a day, and we shall easily see how hard it is to make such a poor man pay a tax of four or five shillings a year, for the salt he must make use of for the scanty support of himself and family.

This tax must therefore be a charge upon all our manufactures in general, I shall suppose it as small as any gentleman pleases, yet it must be some; for if it be a charge upon the manufacturers, they must lay it upon the manufactures they deal in; and if we consider how narrowly the merchant, especially the foreign merchant, goes to work in the bargains he makes, we must see what a disadvantage this tax may be to our export of manufactures. If any of our neighbours can sell but one tenth part of a farthing in a yard cheaper than we can do, they will at last turn us entirely out of the business. This holds as to all our manufactures in general, but as to some particular manufactures, such as glass, leather, earthenware, &c. it is still more grievous, because salt is one of the materials made use of in their very composition, and therefore I hope if this duty be revived, there will be an exception as to them.

I find it is granted by all, that the making use of salt is an improvement to land; but it is said, that this tax cannot injure such improvements, because every man may have as much foul salt duty-free at the pits as he pleases, provided he has an officer along with him. But does not every man see, that this can only be of advantage to those whose lands lie near the salt-pits? even as to them, this duty will be an additional charge, for they cannot get an officer to attend for nothing; we all know that when a man is once got into an office, he has many ways of squeezing a perquisite from those who are obliged to apply to him, and him only. And as to all lands that lie at a distance from salt-pits, it must be allowed, that the reviving of this tax will be a full bar to any future improvements of them by salt, which is an improvement that has been successfully made use of, through all parts of England, ever since the duty was taken off.

It has, I think, in this debate been admitted by all, that the duty upon the salt made use of in curing the salt provisions necessary for a ship of 150 tons, for a six month's voyage, will amount to 40*s*; and yet it has been asserted by some, that the reviving of this duty will be no burden upon the navigation of Great Britain. Those who reason in this manner, do

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not surely consider the frugality and sparingness that must be observed in trade. I am sure there is not a merchant in Europe, that has occasion to freight a ship, but will think 40*s.* a very great difference in the freight between two ships of 150 tons each, if they be of equal goodness in every other respect; and he will always employ that ship which he can have 40*s.* cheaper than the other. This must put a full stop to the employing of any English ship, or to the victualling of any ship in England, where another ship can be made use of, or when a ship can be victualled in any other part of the world; and therefore it must be not only a burden upon our navigation, but we must consider, that it would soon be the entire destruction of our navigation, and consequently of our navy, if it were not for the Navigation Act, and some natural advantages which we have over the rest of the world. I do not know how some gentlemen may get, or how they may spend their estates; but in an affair which chiefly regards the trade, and the tradesmen of this nation, I am surprised to hear shillings and crowns, nay even pounds sterling, talked of in so light and trivial a manner: The poor tradesman may be properly said to earn his living by the sweat of his brow; and if he does not consider every farthing that he is to lay out, he will soon come not to have a farthing to pay for a bit of bread: To such a man, even the half-farthing, which is now so contemptuously talked of, would be of mighty consequence.

I come now, Sir, to consider this tax with respect to that honest, industrious and frugal set of people, the farmers of England. I hope there are but few of them as yet obliged to live in the manner as hath been represented. I hope no farmer in England is as yet obliged to make his family dine upon bread and cheese, or upon boiled cabbage, without a bit of pickled pork, salt-beef, or bacon, to give them a savour. I do not know indeed what they may be brought to, if we begin to multiply excises upon them; but I must now consider them in their present way of living: in that way I must look upon them and their servants, as making use of some salt-provisions almost every day in the week, for the whole year round: in such a view, I am sure, a family of sixteen working persons will consume in salt a deal more than a shilling's worth a head, according as it must sell after this duty is laid on; I believe they will consume above two shillings worth a piece; and it has been computed by men who understood thoroughly the œconomy of their family, that a family of ten persons would for all uses generally cost the master at least six-pence a week for salt, according to the price it sold at formerly, when this duty was subsisting. At this rate there is scarcely a farmer in England, but must pay above twenty shillings a year towards this tax, and if he pays a rack'd rent, I do not know where he is to get this twenty shillings, unless he runs in arrear to his landlord, in order to answer what he must pay the tax-gatherer: in such a case, I believe, our landed-gentlemen will not get much by the relief that is now pretended to be given them. But besides this additional family-expence upon the farmers, we know that they make use of a great deal of salt for several uses in husbandry: the advantages made thereby they must now give up, or otherwise they must pay dear for the preserving of them.

I hope, Sir, I am as sensibly touched as any man with the difficulties, that many of the landed-gentlemen in England labour under; and I shall always be as ready as any man to approve of any mensures for giving them a real relief: but I shall never pretend to amuse them, or to impose upon their good sense, by calling that a relief, which is only taking a burthen off one of their shoulders, and putting it upon the other; and that this is the only relief now proposed for them, I can, I think, demonstrate as clearly, as ever any thing was demonstrated by numbers. I believe no man will pretend that any gentleman of a free estate of 500*l.* a year in land, or upwards, is in the present case an object of compassion, or that the relieving of such men from the payment of a shilling in the pound land-tax, can have any weight in the present debate; and as for those gentlemen who have large estates in land, but heavily charged with mortgages, if they will, for the sake of grandeur and the name of a great estate, continue to pay the land-tax and the interest upon the mortgages, it is certainly their own fault, and therefore they do not deserve the consideration of this House. The landed-gentlemen then, whose estates are under 500*l.* a year, are the only persons whose condition and circumstances can in the present case be of any consequence; and as to such, let us examine whether what is now proposed will prove to be of any relief to them. It is well known, that there are many landed-gentlemen in England, whose estates are valued so low, that they do not pay above a groat of the shilling in the pound land-tax; it is certain, that there are few or no landed-gentlemen who pay the whole shilling; there is not, I believe, one estate in England that is rated at the full value, with respect to the land-tax; it may therefore be reasonable to suppose, that all the land-estates in England are, one with another, rated for the land-tax at one half of the real value. It has been admitted, that a farmer of 100*l.* a year, has generally sixteen persons in family; I think we may then reasonably suppose, that the landed-gentlemen in England of 400*l.* a year, keep one with another twenty persons in family; and upon these suppositions let us see what relief the gentleman of 400*l.* a year is to receive from the fine scheme now before us. Such a man's estate is supposed to be valued at 200*l.* a year as to the land-tax, consequently at 1*s.* in the pound he saves only 10*l.* in the whole, by taking off this shilling. Now let us consider what he must pay to the duty on salt consumed in his family: a common farmer with ten persons in his family, is supposed to pay

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6*d.* a week for the salt consumed in his family, and therefore a common farmer with twenty persons in his family, must be supposed to pay 1*s.* a week, one with another, for the salt consumed in his family; and if we consider the great waste that is made of that commodity about a gentleman's family, and the many visitors and their servants, and the poor necessitous neighbours, that will always be hanging in or about a gentleman's family who has an estate of 400*l.* a year, we cannot allow less than eighteen pennyworth of salt consumed weekly about such a gentleman's family; we must therefore suppose, that every gentleman of such an estate, pays yearly for salt consumed in his family 3*l.* 18*s.* and since, by the laying on this duty, we raise salt to above ten times the price it formerly sold at; therefore we must conclude, that nine tenths of 3*l.* 18*s.* that is, about 3*l.* 10*s.* is yearly drawn from every gentleman of 400*l.* a year, by means of this duty on salt; and as he is to pay this sum yearly for three years instead of the 10*l.* land-tax, which he is by this means, to be made free of, is it not plain and evident, that he pays ten guineas in three years, for the sake of getting free of the payment of 10*l.* in one year? The utmost then, that can be pretended, is, that he saves by this fine scheme about half a year's interest upon 10*l.* Is this the relief so mightily bragg'd of? Will any gentleman of common sense choose to have his farmers, his cottagers, his labourers, and the manufacturers that consume the produce of his lands, heavily taxed, in order to save 4 or 5*s.* interest upon the 10*l.* that he was to have paid to the land-tax.

This is the case, Sir, as to landed-gentlemen of 400*l.* a year, but as to all the landed-gentlemen of smaller fortunes, they will be losers by this measure that is proposed for their relief. Their families cannot be a great deal less numerous than the others; their servants will be as wasteful, and they must entertain their visitors as well as the other; therefore we cannot suppose that any gentleman's family in the country will cost him much less than 1*s.* a week for salt; at this rate he must pay yearly towards the duty now to be laid on, about 2*l.* 7*s.* this amounts in three years to 7*l.* so that a gentleman of 200*l.* a year, will be 2*l.* out of pocket, and a gentleman of 100*l.* a year, will be 4*l.* 10*s.* out of pocket, by reviving the salt-duty for three years, instead of 1*s.* in the pound land-tax for one year; and whether those gentlemen that have great families to maintain, many children to provide for, and but one, two, or three hundred a year land-rent, to answer all their occasions, are not the greatest objects of compassion, nay, are not the only objects of compassion among the landed-gentlemen in England, I leave the world to judge. Every gentleman that ever kept an account of the expences of his family, must be a judge, whether the suppositions I have made are just: if they are just, I am sure the figures cannot be controverted; and therefore, I hope, we shall hear no more of the great relief that is to be given to the landed-gentlemen of England.

Having thus shewed to what sort of people this salt-duty will be a disadvantage, I think it would not be just in me, not to take some notice of those to whom it will be an immediate advantage. As to all the gentlemen in England of very large land-estates, it will be an immediate advantage; it will, indeed, save a trifle to them. With respect to them, I hope, I may be allow'd to make use of the word trifle; a sum of money may be called a trifle when applied to the rich, but to the poor no sum of money can be properly said to be a trifle. But this immediate advantage accruing to the rich landed-men, will be soon overbalanced by the ruin that it will bring upon their country, and upon their own particular estates; and I am glad to find, that most of the rich landed-gentlemen in England are upon the same side of the question with me. It shews a generous contempt of private advantage, when opposed to the public good; but those who will reap the greatest advantage from the measure now proposed, are those who are in good posts and places, and have handsome salaries coming in. It is very true, that their salaries are rated at the full value of the land-tax: the taking off 1*s.* in the pound land-tax, is really putting 5 per cent. into their pockets, which cannot be drawn out again by the salt-duty, because they either keep no families, or they keep their families in town, where most of their servants are at board-wages. To such gentlemen the measure now proposed will certainly be advantageous, and to such only that compassion which we have heard so much of, is properly to be applied. But one would not think that a man who has 100*l* a year from the public, should grudge to pay 5*l.* a year out of it to the public expence; or that the saving 5*l.* a year in such a man's pocket, should be such a mighty concern to every man who has the good of his country at heart. I am persuaded that every gentleman who has the good fortune to be in any such place or employment, will shew as generous a contempt of self-interest, and as honourable a regard for the public good, as is or can be shewn by the gentlemen of great land-estates, who with them are the only persons in the nation that can reap any benefit from the measure now proposed.

Since then it appears plain, that what is now proposed can be no manner of relief, but will certainly be an additional charge upon the landed-gentlemen of small estates; and since they are the only landed-gentlemen in England, who stand in need of, and deserve the compassion of this House, I think all the arguments that can be drawn from pity and compassion, come full against our agreeing to the revival of this duty upon salt; and therefore I may now in my turn plead with all those who hear me, to have pity and compassion upon the poor landed-gentlemen in England. How hard will it be to make a poor landed gentleman of a hundred a year pay 7*l.* instead of 50*s.*? Why should the poor landed-gentlemen be so much over-charged for the sake of a small ease to those who have plentiful estates in land, or con-

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siderable salaries coming in from a post or place that gives them little or no trouble? This is really, if I may be allowed to make use of the words, 'Giving to the rich, and sending 'the poor empty away.' But in the present case, our compassion pleads not only for the poor landed-gentlemen, but for all the poor of the nation. Let us but consider how many poor families are maintained upon 8*d.* or 1*s.* a day, which the father earns by hard labour and toil: A bushel of salt is the least that can be consumed in a year by a poor man, his wife, and three or four small children: How cruel is it to take four or five shillings a year away from the support of such a poor family, more especially when one half of that money, at least, is to be made a compliment of to wealthy or fraudulent dealers, or to idle and profligate tax-gatherers? I hope every man that hears me, will allow his pity and compassion to exert itself to its utmost height. I hope every man will consider upon which side of the present question are the cries of the poor and the wretched, and the blessings of those that are yet unborn. The happiness or misery of posterity, the flourishing or decay of our trade and commerce, the preservation or loss of our liberties, in my opinion, depend in a great measure upon the question now before us; and therefore I am persuaded that every gentleman will consider it thoroughly, before he determines what he is to do.

Then the question being put upon sir Robert Walpole's motion, it passed in the affirmative, by 225 against 187.

Feb. 10. Upon the report of the Resolutions of the Committee, and the motion made for agreeing to them, the question being put, it was carried in the affirmative, by 205 against 176, and a Bill was ordered to be brought in pursuant to those Resolutions.

The Pension Bill passes the Commons.] This day, upon the motion of Mr. Sandys, the Pension Bill was read a third time, without any one speech being made against it; and Mr. Sandys was ordered to carry the Bill to the Lords, and desire their concurrence.

Quarrel between Mr. Pulteney and Mr. Pelham.] February 11. The House being informed, that, from some words, which had been spoken in the House by Mr. Pelham and Mr. Pulteney, it was apprehended, a Quarrel might ensue; and that Mr. Pulteney was gone out of the House;

Ordered, That the Serjeant at Arms, attending this House, do go, and summon Mr. Pulteney to attend the service of the House immediately.

Ordered, That Mr. Pelham and Mr. Pulteney be enjoined not to prosecute any quarrel, or shew any further resentment, for what has passed between them in this House.

Then the Serjeant at Arms being returned; and Mr. Pulteney being come into the House; Mr. Speaker acquainted him with the information, which the House had received in relation to himself and Mr. Pelham, and with the injunction of the House thereupon: after which, they severally stood up in their places, to explain themselves; but not having given the House satisfaction, as to their complying with the said injunction, and it being insisted upon, that they should be more explicit, they stood up again in their places, and severally declared, that they would obey the order of the House.

Debate in the Lords on the Pension-Bill.] Feb. 17. A Message was brought from the Commons by Mr. Sandys and others, with a Bill entitled, "An Act for making more effectual the laws in being for disabling persons from being chosen members of, or sitting or voting in the House of Commons, who have any Pension during pleasure, or for any number of years, or any offices held in trust for them;" to which they desire the concurrence of this House. After reading the Bill,

The Lord *De la War* * stood up and spoke as follows;

My Lords,

I find that the Bill which has been now read to your lordships, is to the very same purpose, and almost in the very same words with that which has already been twice refused by your lordships; and therefore I cannot but look upon the sending up of such a Bill as an indignity offered to this House, for which reason I must be of opinion that the Bill ought to be rejected.

The Earl of *Strafford* spoke next:

It is very true, my Lords, that a Bill to the same purport, and almost in the very same words with the Bill now before us, has been twice sent up, and as often refused by this House: But we must remember that the Bill never came the length of a Committee. If your lordships had last year thought fit to take the Bill then sent to you under your consideration in a Committee, the several clauses thereof would have been particularly examined, and it would have been known what were the clauses or words which your lordships took exception to; but as no such thing was done, the gentlemen of the other House could not know how to amend the Bill, or what alterations they should make; for which reason I must think that the sending up of this in the same words with the former, is shewing the utmost respect to this House, by leaving it intirely to your lordships to alter and amend the Bill in such manner as you shall judge proper.

Corruption, my Lords, is an evil that has been always thought to be of a most pernicious consequence, and therefore there have been many acts of Parliament made for preventing it: In the very Act of Settlement there is a clause for this end; in the reign of queen Anne there were several regulations made for the same purpose; and in the very first parliament of his late majesty, there was an act made for preventing the effects of this dangerous evil.

* Appointed Treasurer of his Majesty's Household in June, 1731.

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This shews that the bringing in of such Bills as the Bill now before us, was never thought to be doing any injury to the crown; upon the contrary, the honour and safety of the crown depends upon the honour and integrity of the members of Parliament, and therefore we can never presume that the crown will be against any measure that can be proposed for preventing any illegal and corrupt influence upon any of the members of either House. One design of bringing this Bill in, and passing it in the other House, was to wipe off any suspicion of corruption, that there might be against them: do not let us, my Lords, deprive them of the only means they have of convincing the world, that there is no such thing among them. If there be any word, if there be any clause in this Bill, that may seem to be of bad consequence, your lordships may amend it, or you may leave it out. An objection against any particular clause, may be a reason for altering or amending the Bill, but it never can be a reason for throwing it out altogether; I shall therefore be, my Lords, for ordering it to be read a second time, that we may have an opportunity of considering it seriously, and making such amendments as shall be thought proper.

Lord *Falmouth* * replied;

My Lords; The Bill now before us bears a very specious title or preamble; from the first view thereof one would be apt to conclude, that something very beneficial for this nation were intended; but upon a more serious perusal, we find, that at bottom there is really nothing intended, that can in the least contribute to the public good. We all know, my Lords, how some motions come to be made, and how some Bills come to be brought into the other House. Such Bills as this now before us, are often brought in by would-be ministers, that is, by gentlemen who affect popularity, and set themselves up as protectors of the liberties of the people, and under that pretence encourage and promote faction and discontent, in order thereby to raise themselves to be the chief men in the administration of the public affairs of the nation. I shall always be ready to join in reasonable measures for insuring the liberties and privileges of the people; and if any attempts were making against them, I should be as ready as any man to concert measures for shortening the arms of the crown: But, my Lords, when I find that no attempts are made by the crown, against the liberties of the people; when I find that the popular cries for liberty are raised and spirited up only by the factious and the discontented, I shall never be for diminishing the power of the crown, especially when I see that it has but just enough to support itself against the factious and the disaffected. I remember, my Lords, that a noble lord put the question last session of Parliament, when this very affair was before the House, how the Pretender would desire one to vote in the case then before us: If the same question were now again to be put, I believe the proper answer would be, that he would desire us to vote for the Bill now before us: I do not doubt, but that he would be for diminishing his Majesty's power of rewarding those who should happen to merit well of their country, by a zealous and hearty opposition to him and his faction. I hope, my Lords, that there will always be men of honour and integrity enough in this country to defend us against that faction, or any faction, without the hopes or expectation of a reward; but if it should be found necessary for our defence, to give rewards to many of those who assisted in the protecting of the government against faction, I would rather chuse that the government should have it in its power to give rewards to those that contributed to the preserving of us, than that the factious should have it in their power to give rewards to those that assisted them in the destroying of us. The methods proposed by the Bill now before us, are so far from being proper methods for preventing bribery and corruption, that I am afraid they will give such an encouragement to faction, as may lead us into confusion, and therefore I shall be for rejecting the Bill. As this Bill is the very same with that which was refused by your lordships the last session of Parliament, I am convinced that the same reasons which prevailed against it last session, will now likewise prevail against it; for my own part at least, I am sure, that there is nothing since happened, that can afford me the least pretence for being of a different opinion.

The Lord *Carteret* spoke as follows:

My Lords;

I am for receiving this Bill in the most respectful manner; first, because of the dignity of the subject, next for the respect that is due for the other House; and lastly, my lords, for the respect that is due to ourselves. The subject of this Bill is of the utmost consequence to the liberties of this nation; the title or preamble is in my opinion very proper for such a subject; but if it were not so, why may it not be altered? One thing, my Lords, I am sure of, that if we treat the Bill with so much contempt; as to reject it upon the first reading, the whole people of the nation will make a preamble for us. I do not know how this Bill was brought into the other House, nor ought that to be a question in this; I do not know whether this Bill was brought in by would-be-ministers, or no, but I am very certain, that as good ministers as ever were in England, have laid the foundation for such Bills; and if men do act for the public good, it signifies nothing to us, it signifies nothing to the people, what were the motives that prompted them to act in such an honourable manner. If it is an ambition of being ministers of state, that prompts men to act for the public good, I hope the ambition of those that are out, will always be a barrier for the liberties of this nation against the ambition of those that are in.

It is no argument against this Bill, that it is in the same words with the Bill which was sent

* Vice-Treasurer of Ireland.

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up to us the last session. I hope there is no man in this nation pretends to be infallible: your lordships having refused this Bill last session, can never be an argument for your rejecting it now without so much as once taking it into your serious consideration: Some arguments may now be brought for passing it, which were not thought of at that time: The public tranquillity was not then so firmly established as it is at present, and therefore it may now be thought a more proper time for us to take precautions for preserving our liberties against domestic enemies, than it was at that time, when we were not quite out of danger of being attacked by foreign enemies. If your lordships should send down a good and necessary Bill for the amendment of the law, and the same should be refused by the Commons, would that be any argument against ever sending that Bill down to them again in any future session of parliament? Or would their having once refused it, be an argument for their rejecting it at the first reading, upon its being brought a second time before them? No, my lords; if your lordships were convinced that the Bill was necessary, and drawn up in proper terms, you would send it down in the very same words again and again, till its own weight carried it through.

I am, my Lords, very far from thinking, that any attempts are now made, or are to be made, during his present Majesty's reign, against the liberties of this nation: His Majesty has too much goodness to endeavour any such attempts, and too much wisdom to admit of any such being made by those employed by him; but it is for this very reason that we ought now to think of, and bring in such Bills as may be any way conducive to the preservation of our liberties: His Majesty's penetration is such, that he will easily see what is necessary; and his goodness is such, that he never will oppose what he sees to be necessary for securing the liberties and properties of his people; whereas if we never think of taking any precautions against arbitrary power, till we have a prince upon the throne that is aiming at arbitrary power, it will then be too late; such a prince will never consent to any measures or to any regulations that tend to the defeating of his own designs. Posterity may have occasion to lament our neglect of that opportunity which his present Majesty's wisdom and goodness daily afford us. There is certainly at present nothing to be feared from bribery and corruption: His Majesty reigns in the hearts and affections of the people; his designs are all for the public good, and therefore he has no occasion for making use of any illegal and corrupt sort of influence; but to pretend, that our present happiness is a reason for our not thinking of, or taking proper precautions against the evils that may come upon this nation in future times, is the same thing as to say, you are not to bring in any Bills against bribery and corruption, till a majority of both Houses of Parliament are corrupted: If this should ever happen to be the unlucky fate of this nation, we may easily judge what would be the success of such Bills, in such Houses of Parliament.

The Duke of *Newcastle* spoke next;

My Lords;

If this Bill had no other aim, but that of preventing Bribery and Corruption, I should be for it with all my heart; but we can easily see that the intention of this Bill is to give the other House an opportunity of assuming a power which they never yet pretended to, and their assuming thereof would be the entire overthrow of our present happy constitution. By this Bill, my lords, the House of Commons may assume a power of judging what rewards or gratuities are proper to be given by the crown to any member of that House; for though the Bill says only, that the members of that House are to declare what gratuities or rewards they receive from the crown, within 14 days next after the receipt thereof, yet, my lords, we are not to suppose that the affair will rest there; we may easily fosesee that the consequence of every such declaration will be, that the House will thereupon enter into the consideration of the declaration that has been made to them, and will take upon them to determine whether or no such gratuity was given by way of bribe; so that thereby the crown will be entirely disabled from giving any reward to a gentleman that has merited well of his country, at least as long as he continues to be a member of parliament. This, my lords, would, in my opinion, put so much power into the hands of the Commons, that it would entirely overturn that balance upon which our constitution depends, and therefore I have been always against this Bill, and shall now be for rejecting it.

The Pension Bill rejected by the Lords.] Then a motion being made, and the question being put, Whether this Bill shall be read a second time? It was resolved in the negative.

Content 25; Proxies 15;—40.
Not Content 78; Proxies 17;—95.

Protest thereon.]

"Dissentient"

"For the reasons entered in the Journals of this House the two last sessions of parliament, one the 21st of March 1729, and the other the 2nd of March 1730.——*(Signed)* Strafford, Abingdon, Shaftsbury, Litchfield, Maynard, Gower, Craven, Bathurst, Foley, Exeter, Masham, Coventry."

Feb. 22. The several Papers, Instruments, &c. relating to the Sale of the earl of Derwentwater's Estate, which had been presented to the House, were referred to a Committee.

Debate in the Commons on the Sugar Colony Bill.] Feb. 23. The Commons proceeded to the farther hearing of counsel for and against the Sugar-Colony Bill, and the counsel on both sides having finished their argument,

Mr. *Winnington* stood up, and spoke as follows:

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Sir; I find that some of the counsel at the bar have endeavoured to turn the affair now before us into such a shape, as if the question to be determined were, whether the northern colonies, or the sugar-colonies ought most to be encouraged by this House. This, Sir, is not all the question now before us; the affair in hand is the dispute between the English and the French commerce: we are now to determine, whether we ought to encourage a French trade, which tends to the ruin of our own sugar-colonies, for I have not heard it so much as disputed by any man, but that they must be soon undone, if some redress be not given to them in time; and the only redress now proposed, the only redress they want at present is that a Parliament of England will only do as much as they can to discourage the French sugar trade. One would really imagine, that such a proposition would not meet with any opposition in a British House of Commons.

This, Sir, being the true state of the question, I do not wonder to see it twisted and turned into twenty shapes, rather than to let it appear its own genuine and natural colour; but of all the lights this affair has been put into, the most invidious is, that of pretending that the sugar-colonies by this Bill are contriving a method of putting their sugars and rum upon us at any price they please to demand; that by this Bill they want us to make a law for enabling them to sell their sugars and rum, at a much dearer price than what is necessary. If this, Sir, were truly the case, I should be against this Bill as much as any man in this House; but to me it appears evident, that what they want, is only to have such a price for their sugars and rum as they can possibly make them at so as to live thereby: this is a reasonable demand, and this we ought to grant if it be in our power. Now, Sir, I think it has been made appear, that the French are our greatest rivals in the sugar-trade; and it has been likewise made appear, that the French have been enabled to become our rivals in the sugar-trade, only by the trade carried on between them and our Northern colonies; the great vent they thereby have for their rum and molasses, and the easy access they thereby have to lumber, horses, and all other necessaries for their sugar-plantations, which are naturally much more fruitful than ours, enable them to sell their sugars and rum at a much lower price than it is possible for our sugar-planters to sell at; it is therefore apparent that our sugar-plantations must be undone, or we must fall upon ways and means of preventing the French from selling their sugars so cheap as they do: those ways and means are easy; they are every day in our power; put a stop to the trade that is carried on between our own colonies upon the Continent and the French sugar-islands, and you must at once a great deal enhance the price of all French sugars; the charges of making their sugars will then be a great deal more, and their rum and molasses will yield them nothing; they must lay all charges upon the returns of their sugars, and therefore it will not be possible to sell them so cheap as they are sold at present. By this method our own sugar-colonies will be greatly encouraged, and the French may be totally undone; whereas if we leave matters in the present situation, the French sugar-colonies will be increasing every day, and in a little time our own will be quite destroyed.

But, Sir, it has been pretended, that if we put a stop to the trade now carried on between the French sugar-islands and our colonies upon the continent, it will in a great measure ruin our colonies upon the Continent, because it will entirely destroy their fishery, and also their trade with the Indians, both which are carried on principally by the means of the rum and molasses, which our colonies purchase at so cheap a rate from the French sugar-islands: if there were any foundation for this, it would indeed be a very great objection to the Bill now before us; but as our colonies upon the continent carried on their trade with the Indians, and also their fisheries, long before they had either rum or molasses from the French islands it is plain that neither of those trades can depend entirely upon their trade with the French sugar-islands; but upon the contrary it is evident, that the opening of this trade with those islands, has not only encouraged the French sugar plantations to the great detriment of our own, but has also in a great measure discouraged or rather entirely destroyed the sale of English spirits in that part of the world, which is a considerable loss to this country; for it is well known, that before our colonies upon the Continent of America fell into this destructive trade with the French sugar-islands, they made use of great quantities of English spirits, both in their fishing trade, and also in their trade with the Indians. And if we should put a stop to this trade with the French sugar-islands, there is no doubt but our own colonies would again fall into their former method, and would be able to carry on as extensive a trade with the Indians, and as great a trade in fishing, by the means of English spirits, as they ever did by the means of French rum. Besides, Sir, if some rum or molasses were absolutely necessary, do not we know that they could have as much from our own sugar-islands as they had occasion for, and within a trifle at as low a price as they can have the same sort of rum or molasses from the French sugar-islands? for in proportion as the French sugar-plantations decrease, it is certain that our own will be daily increasing: though Barbadoes may perhaps be as much improved as the extent of ground will admit of, yet we know that Jamaica, and several other of the islands belonging to us in that part of the world, will admit of very great improvement; we know that if they were all improved to the full extent, they would produce as much or very near as much sugar, rum and molasses as could be consumed in Europe and in America. Thus, Sir, in me it appears plain, that the method proposed by the Bill now before us, is the only proper method for discouraging

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the French sugar-plantations, and encouraging our own; and that it is a method by which no part of our own dominions can be any way injured; therefore I must be for the Bill, and for that reason, Sir, I move, That the Bill may be committed.

This motion being seconded by Mr. Horatio Walpole,

Mr. *George Heathcote* stood up and spoke as follows:

Sir: I should with all my heart be for the Bill now before us, if I could find any thing in it that would encourage our own trade to the detriment of that of the French; but really, Sir, I cannot find any such thing in this Bill; upon the contrary, I clearly foresee, that by the method thereby proposed, we are going to destroy a very profitable branch of our own trade, and to do all that is in our power to encourage, or rather to set up a new trade for the French, which they of themselves, notwithstanding their utmost endeavours for that purpose have never been able to accomplish. We are amusing ourselves with a vain conceit, that it is impossible for the French to carry on or manage their sugar-plantations, without the assistance of the lumber, horses and other necessaries, which they have from our colonies upon the continent; and that their rum and molasses would be of no use to them, if they could not dispose of them to the inhabitants of our northern colonies. If it were so, I am sure the French would permit that trade to be carried on openly and freely; they would not leave it under the discouragement of being carried on in a clandestine manner, by giving great bribes to the Governors of their sugar islands: we have no reason to despise the French knowledge as to the methods of improving any trade they aim at; and we know that they have for several years been doing every thing that was in their power to encourage their sugar plantations. Can we then imagine, that they would have left such checks and discouragements upon the trade between their sugar islands and our northern colonies, if they had thought that their sugar works or plantations could not subsist without it? No, they know that that trade is a great hindrance to the improvement of their own colonies upon the continent, and therefore they have endeavoured to put a stop to it by degrees, but have never as yet been able to effectuate what they proposed; and now we are by a public law to contribute as much as we can to render their endeavours effectual. I must therefore look upon what is proposed by this Bill, as a method not at all certain for improving our own sugar plantations to the discouragement of the French, but as an infallible method for improving the French colonies upon the continent to the very great discouragement of our own; I therefore think, I have very good reason to be against the Bill as it now stands, and consequently I must be against committing it.

Mr. *Perry* spoke next:

Sir: The affair now before us is of no such consequence to the navigation, the trade, and the happiness of this nation, that it ought to be weighed with the utmost nicety and exactness: there may be a great deal said upon both sides of the question. For my own part, I have not had opportunities of acquiring so extensive, and so general a knowledge of trade as the worthy gentleman upon the floor, who spoke first in the present debate; but as I have been dealing in trade ever since my infancy, I have a good many facts to lay before you, and several things to say upon the subject in hand, which, in my opinion, ought to make us extremely cautious of laying any restrictions upon the trade of any part of our dominions. But it is now, I think, too late to enter into a debate of so serious, and so extensive a nature; and therefore I am for adjourning the debate till to-morrow, or any other day this House shall please to fix on.

Mr. *Barnard* rose up and said:

Sir: If the House be resolved to proceed, I will speak to the affair in hand; but if otherways, I will not now offer to detain them with any thing that I have to say upon the subject. [Here he made a pause, and the House seeming inclined to proceed, he went on as follows.] In the question now before us, Sir, it is certain that some relief ought to be immediately thought of for our Sugar colonies. Our Sugar-trade is without doubt at present in a most lamentable condition, and must necessarily in a few years be quite undone, at least in so far as regards our exportation to foreign markets: but, Sir, I am very far from thinking that the method, proposed by the bill now before us, is the proper method for giving relief to our Sugar colonies; I do not think it will afford them any relief; it may cramp and injure our northern colonies in some branches of trade now carried on by them, but it never can be of any advantage to our own sugar colonies, as long as they make more sugar than is requisite for answering the consumption within our own dominions, I should be glad that we could fall upon any ways of making the French sugars dearer than they are at present, but I am afraid all attempts of that nature will prove to be chimerical; and I am sure there is no method proposed by the Bill now before us, that can in the least answer that purpose: as to lumber, horses, and other necessaries for sugar plantations, which are now brought from our colonies upon the continent to the French sugar islands, there is no provision in this Bill against their being furnished with such things from thence for the future; and it would be very wrong to make any such provision; for it is very certain, that if they could not have such things from our colonies, they would soon fall into the way of having all such necessaries from their own colony at Canada. It cannot be pretended but that the French colony at Canada, with a very little encouragement, would soon be able to furnish the French sugar islands with lumber, horses, and all such necessaries; though the

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navigation of that river be difficult and uncertain in the winter time, yet they might easily fall upon a way of bringing all such stores down that river in the proper season, and lodging them at their own settlement at Cape Briton, from whence they could easily be transported to their sugar islands at all seasons of the year; this, Sir, would, I am persuaded, be the consequence of our prohibiting the exportation of such things from our colonies to the French sugar islands; and thus, instead of discouraging their sugar plantations, or enhancing the price or first cost of their sugars, we should by a British act of Parliament do more towards the encouraging their settlements at Canada and Cape Briton, than they themselves with all their edicts and arbitrary power, have been able to do since the first establishment of those settlements. In a little time we might expect to see those northern seas swarming with French ships and sloops, and a great part of the trade of our own northern colonies being thereby destroyed, our own seamen must either starve at home, or run into the service of the French for the sake of daily bread.

But, Sir, granting that it were impossible for the French sugar islands to have what horses, lumber, and such things they want, from their own colonies upon the continent, or from any other part of America besides our settlements there, yet we all know that they could have plenty of alll those necessaries from France itself; and it is well known, that sugars are such bulky commodities, that they require a great many ships to bring them to Europe, which ships return again to the West-Indies for the most part in ballast, so that the freight outwards is generally at a very low rate; by which means they might have all such things from Europe, for a very little more than prime cost: And suppose that the price of such things stood them a little more than what is paid for them in our sugar islands, yet we know that such a small sum of money is laid out in furnishing a sugar plantation with all such necessaries, that it bears but a very small proportion to the other charges that are necessary in furnishing and managing such a plantation; the difference in this respect between the charges of a plantation in their islands or in ours, would be so small that it could not be taken notice of, nor would it in any way enhance the price of their sugars in any market in Europe.

As to rum, I think it is not pretended that the French deal much either in the making or vending of that commodity, but it is said, That our northern colonies purchase all their molasses from them, and thereby contribute towards the enabling of them to sell their sugars at the low price they do at present; and it is farther said, That if our people upon the continent of America did not purchase their molasses of them, they could make nothing of them in any other way: This is really supposing the French to be a more stupid sort of people than any of the native Indians upon the continent. They know that rum is made of molasses: they know that rum is valuable in almost every part of the world; they understand the art of distilling rum from molasses: or if they do not, it is certain there is no such mighty secret in the art, but they may easily learn it. Can it then be doubted, but that if they could not sell their molasses to our colonies upon the continent, they would set up stills of their own, and make rum out of their own molasses? And could not they sell that rum both in America, Africa, and Europe, as well as we do? To this it is answered, That their government would not allow them to make or sell rum; because it would prejudice the sale of brandy, which is the natural product of France itself: But this we have not the least reason to suppose; for if the very being, or even the well-being of the French sugar colonies depended upon their making and selling rum, we cannot suppose, that the French government would ruin them, in order to keep up the price of their brandies; unless we were to suppose, that the king of France, and all his advisers, were masters of vineyards and of nothing else: We may as well suppose, that the king of France would make an edict, for obliging their sugar-planters to throw all their molasses into the sea; because if they are made into rum in any place, either in Europe or America, it may prevent or prejudice the sale of French brandies. We must therefore presume, that if the French sugar planters could not dispose of their molasses in the way they now do, they would not only be permitted, but would actually set up stills of their own, and would make their molasses into rum, and send it to Europe: also to their own colonies of Mississippi, Canada, and Cape-Briton, in order to supply all the Indian nations therewith at a cheap rate; and they would likewise be able to smuggle a great deal of it into our northern colonies, and even into Great Britain and Ireland, notwithstanding any laws we could make, or any precautions we could use to the contrary. We may perhaps, by putting arbitrary powers into the hands of our commissioners of the customs and excise, make it difficult to bring French rum ashore in any of our dominions: but it would be absolutely impossible to prevent the sale of it to our fishing vessels in the North parts of America. Thus instead of buying their molasses at the cheap rate we now do, and having the advantage of manufacturing them into rum ourselves, we should give them the advantage of the manufacture, and should buy their rum at a dear rate; and instead of giving them lumber and other such goods for their molasses, we should be obliged to give them ready money for their rum. As the sale of our lumber, horses, and such things, even now depends entirely upon the courtesy of the governors of their sugar islands, we may depend upon it, that if our people could take nothing but ready money from them in exchange for such goods, no such sale would ever be allowed of; such strict injunctions would be sent over

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that their governors durst never venture to permit, or even so much as to wink at, any British ships ever coming into any of their ports, and those goods are too bulky to be smuggled into any part of the world.

Since then, Sir, we cannot propose to make the cost of the French sugars higher than it is at present, let us consider and examine if we cannot make the cost of our own sugars less, in order thereby to enable our sugar colonies to sell their sugars at a lower price, than they can possibly do at present; This, Sir, is the proper and only consideration for this House to enter into. We ought never to make laws, for encouraging or enabling our subjects to sell the produce or manufacture of their country at a high price, but we ought to contrive all ways and means for enabling them to sell cheap; for in all matters relating to trade, we ought chiefly to consider the foreign exportation: and it is certain, that at all foreign markets those who sell cheapest will carry off the sale, and turn all others out of the trade: We may indeed confine our own subjects to the buying of what sugars they have use for, from our own sugar colonies, at any price they please to put upon what they have to sell, but we have no power over foreigners; so that unless our sugar planters do sell their sugars as cheap as any other sugar planters can do, we shall soon lose our whole foreign trade as to sugars: And even as to our home trade, our sugar planters must all join together, and consider nicely the home consumption, if they have a mind to keep their sugars at a much higher price, than what they are sold for in other parts of Europe; for if they in any one year make more sugars than we can consume at home, it will of course run down the price of all their sugars for that year, even at home amongst ourselves. Supposing that we consume 80,000 hogsheads of sugar every year, if they should in any one year send home 100,000 hogsheads, the additional 20,000, which we have no occasion for, cannot be sent abroad, they must be sold amongst ourselves; and the sale of that 20,000 would run down the price of the whole 100,000. So that let us put this affair in what shape we will, the methods proposed by this Bill can never be any real relief to our sugar colonies.

There are many ways, Sir, for enabling our dealers in sugar to sell their sugars at a less price, than they can do at present; one method the French have long ago chalked out to us, and that only I shall mention at present. The French foresaw the great advantage of encouraging their sugar colonies; they knew the hardships that ours laboured under, from their being obliged to send all their sugars to be unloaded in England, before they could be exported to any other part of Europe: They knew how greatly this enhanced the price of our sugars, at all the markets in Europe; and in order to give their sugar colonies an advantage over ours, they gave them a liberty of sending their sugars directly to foreign markets, without unloading, or so much as touching at any port in France. This is an advantage over our sugar colonies, which the French sugar colonies have enjoyed for several years. Let us then follow the example of our neighbours the French; let us at least put our sugar colonies upon an equal footing with their rivals. This will be one great encouragement to them, and it is to be hoped, that in the course of this bill, a great many others may be thought of, which will be real advantages to them, without doing any injury to any of our other colonies in that part of the world.

Colonel *Bladen* spoke next:

Sir; As the only dispute now is, whether this Bill ought to be committed, I think the gentleman who spoke last, has given a very good reason for the committing thereof; he said, That some relief ought certainly to be given to our sugar colonies, if any such can possibly be contrived or thought on. I believe every member of this House is of the same opinion, and therefore every one must think, that the Bill ought to be committed. We shall thereby have time to consider and examine all the circumstances of so weighty an affair; we shall have time to consult and advise with all those of our acquaintance, who understand any thing of trade and commerce, by which means we may have an opportunity of contriving the most proper methods for encouraging and promoting our sugar trade, without injuring any other branch of our trade; and when we are in a committee upon the Bill, every member will then have an opportunity of offering such clauses and amendments as he may then think proper: In my opinion, it cannot so much as admit of a debate, whether the Bill is to be committed or not. The least delay in this affair may be the occasion of the loss of the Bill, and therefore I am for committing it immediately.

Mr. *Oglethorpe* spoke next:

Sir; There never was perhaps before this House an affair of greater moment, than the affair which is now before us. The whole British trade, all our colonies and settlements in America, may be ruined and undone, or very much encouraged and strengthened by the Resolutions we come to upon the present occasion. Every man who knows any thing of the trade and commerce of this nation, knows how much the whole depends upon our colonies in the West Indies. Every man may see by the accounts that have been laid before us, what vast quantities of goods are every year brought from thence, by the re-exportation of which we balance our trade with almost every nation in Europe; and I believe I may say, that it is owing to this only, that the general balance of trade has always continued so much in our favour.

Let us but consider the vast quantities of goods, the vast quantities of British manufacture and produce, sent from hence every year to our several settlements in the West Indies;

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let us but consider what numbers of British ships and British seamen are employed in the West India trade, and we shall see how much that trade and those settlements ought to be the care and the concern of a British parliament.

Our sugar colonies are of great consequence to us, and I join in opinion with those, who think that we ought not to leave them under any hardships, or under any distress. Let it never be said of a British House of Commons, that the distress of any of their fellow-subjects was pointed out to them, and they neglected or delayed to do what was in their power for their relief: but our other colonies in that part of the world, ought also to be considered; from them we have likewise yearly very large quantities of goods, such as tobacco, rice, naval stores, and the like, which contribute not a little towards preserving the general balance of trade in our favour. We ought not to encourage or raise one colony upon the destruction or detriment of another; much less ought we to grant a favour to any subject, or to any particular set of people, which may prove to be against the public good of the nation in general.

I am convinced, that some relief, or some new encouragement ought to be given to our sugar colonies, and I shall readily join in any measure for that end, which is not inconsistent with the public good: but this, Sir, is no reason for committing the Bill now before us; for if there is not one clause or one article in it proper for the purpose for which it was designed, we cannot properly go into a committee upon it; we may in a committee upon a Bill add clauses; we may make amendments, but we are not to make a new Bill. In such a case the proper method would be, to have the present Bill withdrawn, and to have a new Bill brought in; and this will be a much surer and a speedier method of procuring relief for our sugar colonies, than by sending up a Bill to the other House, so irregular or so improper, that they may find themselves under a necessity of throwing it out, or which is much the same, of letting it drop in their House, whereby our sugar colonies will be obliged to continue for one year more, at least, under the hardships and incumbrances, which now lie so heavy upon them. This affair being therefore of the utmost consequence, I must be of opinion, that it is now too late, and the House too thin, for entering upon the present debate: besides, gentlemen, we ought to have a regard to the chair, and not subject him to so great and so long a fatigue; I must therefore join in the motion that the debate may be adjourned till some other day.

Mr. *Giles Erle* stood up, and said:

Sir; As the great advantage reaped by the nation, by any branch of its trade or manufacture, depends upon the exportation; therefore when any matter of trade comes to be considered in this House, we ought to regard only those methods or means, which may tend towards the encouraging and promoting the exportation of any manufacture: Now as to the case before us, if our colonies do not sell their sugars cheaper, or at least as cheap as the French, Dutch, or any other nation can possibly do, it is certain, that no part of that manufacture can possibly be exported to any foreign market. I shall therefore be for any method that can reasonably be proposed, for enabling them to sell cheaper than they do at present, but I shall never be for impowering them to exact higher prices from any of their fellow-subjects, being convinced, that no laws we can make, can oblige foreigners to pay a higher price for our sugars, than that for which they may every day purchase foreign sugars of equal goodness.

Then Mr. Barnard and some other members declaring, That they would rather be for having the Bill committed, than that it should be thrown out; because they thought it was necessary to do something, this session of parliament, towards the relief of our sugar colonies; the question was thereupon put for committing the Bill, which was agreed to.

RESOLUTION OF THE COMMITTEE APPOINTED TO INSPECT AND SETTLE THE FEES TO BE TAKEN BY THE OFFICERS AND SERVANTS OF THE HOUSE OF COMMONS.] Feb. 22. Mr. Wyndham reported from the Committee, who were appointed to inspect, and settle, the Fees, to be taken by all the Officers and Servants of the House, and to examine what Salaries or Allowances, they have from the government, the matter, as it appeared to them, with the Resolution of the Committee thereupon, which they had directed him to report to the House: and he read the Report in his place, and afterwards delivered it in at the clerk's table; where the same was read; and the Resolution of the Committee is, as followeth; viz.

Resolved, "That it is the opinion of this Committee, That all Fees, to be demanded or taken by any officer or servant of the House, be fixed according to the Rate of the List of Fees, entered in the Journals in the year 1700; and that Tables of the same, being first perused by Mr. Speaker, be printed, and hung up in the Speaker's chambers, in the lobby, and in the clerk's office; and that the clerk take care to renew such printed Tables from time to time, as occasion shall require, and to preserve them always fair and legible." To which Resolution the House agreed.

Resolved, *nem. con.* "That, if any Officer or Servant of this House shall presume to demand, or take, any greater Fee, than what shall be contained in the said printed Tables, this House will proceed against such officer or servant with the utmost severity."

Ordered, That the said Resolutions be Standing Orders of the House.

The Table of Fees, fixed according to the

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rate of the List of Fees, entered in the Journals in the year 1700, is, as followeth; viz.

A TABLE OF FEES, TO BE DEMANDED AND TAKEN BY THE OFFICERS AND SERVANTS OF THE HOUSE OF COMMONS.

To Mr. Speaker.

	£.	s.	d.
For every private Bill - - -	5	0	0
For every private enacting clause the same Fee, as for a Bill:			
And, if the Bill concerns a County or Counties, or Corporation or Corporations, or in the case of such like Bills, called double Bills, a double Fee.			

To Mr. Speaker's Secretary.

For every private Bill - - -	0	10	0
For every private enacting Clause the same Fee, as for a Bill:			
And, if the Bill concerns a County or Counties, or Corporation or Corporations, or in the case of such like Bills, called double Bills, a double Fee.			
For every Warrant, signed by Mr. Speaker, for a new Writ, Commitment, Discharge, or Witness to attend - - - - -	0	10	0

To the Clerk, and the Officers under him.

To the Clerk.

For every private Bill:			
For the several Readings -	3	13	4
For breviating Amendments, interlocutory Orders, and other proceedings - - - -	1	5	0
For the Order of Commitment -	0	6	8
For every private enacting Clause the same Fee, as for a Bill:			
And, if the Bill concerns a County or Counties, or Corporation or Corporations, or in the case of such like Bills, called double Bills, double Fees.			
For every Order, upon Motion, or Petition, or Committee appointed in private matters, or Copies of them, or of Committees in public matters, taken out by any person	0	6	8
For every Order for the Commitment or Discharge, of any person - -	0	6	8
For Copies of all Petitions, Reports, or other matters, out of the Journals, if under ten sheets - -	0	6	8
If above ten sheets, per sheet -	0	1	0
For every search in the Journals -	0	6	8
For Copies of Bills, per sheet - -	0	1	0
But if for Members - -	0	0	4
For ingrossing Bills, per press - -	0	12	6
For every hearing at the bar, from each side - - - - -	1	13	4
For attending Committees of the whole House, or grand Committees, in private concerns - -	0	13	4
And for preparing the Report, and transcribing - - - - -	0	10	0
For reading at the table, and entering in the Journal, a Report in private matters, if long - - - - -	0	10	0
If short - - - - - -	0	6	8
For swearing every Member without and within doors (upon the Clerk of the Crown's Return, upon any vacancy) after the sessions begun, and filing the Certificate, and entering it in the Return Book -	1	5	0
For the Test, by act of parliament, at the table - - - - -	0	1	0
For swearing every person at the table, in order to be naturalized -	0	13	4

To the Clerk Assistant.

For every private Bill - - -	1	0	0
For every private enacting clause the same Fee, as for a Bill:			
And, if the Bill concerns a County or Counties, or Corporation or Corporations, or in the case of such like Bills, called double Bills, a double Fee.			
For every hearing at the bar, from each side - - - - - -	0	6	8
For attending Committees of the whole House, or grand Committees, in private concerns - -	0	6	8
For every Order of such Committees	0	5	0
For reading every Petition in private matters - - - - - -	0	2	0

To the Clerk of the Committee of Elections.

For attending the hearing the merits of the cause - - - -	0	13	4
For drawing the Report - - -	0	6	8
For a fair copy of the Report, for the chairman - - - - -	0	3	4
For each Exhibit - - - -	0	2	0
For the Examination of a Witness	0	2	6
For each Order of the Committee	0	5	0

To the Four Clerks without doors, attending upon Committees.

For attending to adjourn a Committee upon a private Bill, or Petition - - - - - -	0	3	4
For attending a Sitting of the Committee upon such Bill, or Petition -	0	6	8
For drawing, and transcribing, the Report for such Committee -	0	6	8
And where the Bill, or Petition, concerns a County, Corporation, or Body of People, or in such like cases (in which double Fees are paid to the officers of the House) double Fees:			

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For a Summons, for a Witness to attend a Committee	0	2	6
For examining a Witness, or taking the consent of a party to the passing of a Bill	0	2	6
For every Deed, or other Exhibit, made use of before the Committee	0	2	0

To the chief Clerk without doors (being one of the four Clerks without doors) who receives the Fees and pays them to the Officers of the House; for so doing,

For every private Bill	0	10	0
For every private enacting Clause the same Fee, as for a Bill: And if a Bill concerns a County or Counties, or Corporation or Corporations, or in the case of such like Bills, called double Bills, a double Fee.			

To the Serjeant, and the Officers under him.

To the Serjeant.

For every private Bill	1	5	0
For every private enacting Clause the same Fee, as for a Bill: And, if the Bill concerns a County or Counties, or Corporation or Corporations, or in the case of such like Bills, called double Bills, a double Fee:			
For taking a Knight into custody	5	0	0
For taking a Gentleman into custody	3	6	8
For every day in custody	1	0	0
From every Knight of the Shire, when sworn into the House (upon the Clerk of the Crown's Return, upon any vacancy) after the sessions begun	0	10	0
From every Burgess, upon such vacancy	0	5	0
From every person sworn at the table, in order to be naturalized	0	12	6
For every Counsel pleading at the bar, or before any Committee	0	10	0
For bringing a Criminal to the bar	0	6	8
For riding charges, for every mile	0	0	6

To the Housekeeper.

For every private Bill	0	5	0
For every private enacting clause the same Fee, as for a Bill: And if the Bill concerns a County, or Counties, or Corporation or Corporations, or in the case of such like Bills, called double Bills, a double Fee:			
For every private Committee	0	5	0
For every hearing at the Bar	0	10	0
For every Prisoner, discharged by the House	0	5	0

To the Two Door-keepers.

For every private Bill	0	5	0
For every private enacting clause the same Fee, as for a Bill: And, if the Bill concerns a County or Counties, or Corporation or Corporations, or in the case of such like Bills, called double Bills, a double Fee:			
For attending a hearing at the bar in private matters	0	7	6
For delivering Papers at the door	0	5	0
Upon the discharge of every prisoner, to each	0	2	6
From every Member sworn (upon the Clerk of the Crown's Return, upon any vacancy) after the sessions begun	0	5	0

To the Four Messengers.

For serving any Summons of the House in private matters	0	6	8
For serving the Orders of Committees in private matters	0	2	6
For attending a Prisoner, per diem	0	6	8
For keeping the door at a private Committee	0	2	6

Perused by me,

AR. ONSLOW, *Speaker.*

Debate in the Lords on the Mutiny Bill.] Feb. 24. A Message was brought from the Commons, with a Bill intituled, "An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their quarters;" to which they desire the concurrence of this House: Accordingly the said Bill was read the first time. Then the duke of Newcastle moved, That the same be read a second time on Tuesday next, which occasioned a debate; in which

The Earl of *Abingdon* spoke as follows:

My Lords,

Considering that his Majesty has in his Speech at the beginning of this session of Parliament assured us, that the public tranquillity is fully established, I cannot think there is now any use for a Standing Army; and therefore, my Lords, I cannot but be against this Bill; for I am sure, if we have no use for a Standing Army, we have no use for a Bill against Mutiny and Desertion. I being therefore against the very Bill itself, must be against giving it a second reading. I have, my Lords, been an eye-witness of one Revolution, I hope I shall never see another; and therefore I shall always be against any measure, which, in my opinion, has the least tendency towards bringing about a second. Out of the respect I have for the illustrious family now upon the throne, I must always be against such measures as I did observe to be the forerunners, and the chief causes of the last Revolution; and, my Lords, it is well known, that the chief cause of the last, was, the keeping up of a Standing Army in time of peace: such a step has always, and will for ever alienate the hearts of the people from the King upon the throne. By keeping up a Stand-

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ing Army in time of peace, the King first loses the hearts of the people, and after he has once lost the hearts of the people, he is then in great danger of losing the hearts even of that Army in which he puts his trust. It was, my Lords, a wise and a glorious saying of our great queen Elizabeth, when the Spanish ambassador asked her, where her guards were; that great princess pointed to the people in the streets, 'These, 'says she, are my guards, my people are all my 'friends.' She, my lords, put her whole trust and her confidence in her people; she always continued to do so, and therefore the people always continued her friends, and supported her against as powerful enemies, both abroad and at home, as ever any king or queen of England had before or since her time. The dismal effects of the contrary maxims, I was an eye-witness to, and therefore I am, and always shall be, against keeping up of a Standing Army in time of peace.

Lord *De la War* said, That whatever reasons might be offered against the Bill, might be properly offered upon the second reading; till then it could not be supposed, that their lordships had fully considered the contents thereof, and therefore he was for ordering it to be read a second time.

The Earl of *Aylesford* spoke next:

My Lords: I cannot but be against even giving this Bill a second reading, because at first view it appears to be for supporting a numerous Standing Army in time of peace; this I need not any time to consider of; this appears evidently to be the purport and intention of the Bill now read to us; and this, my Lords, is against the very words of the Petition of Right, and alters the very nature of our Constitution. All the confusions and disorders that have been brought upon this kingdom for many years, have all been brought upon it by the means of Standing Armies: It was, my Lords, a Standing Army that took off king Charles the first's head, and turned that very Parliament out of doors, which had established them, and the very same Army that had murdered the father, restored the son: It was by king James the 2nd's keeping up a Standing Army, that the affections of the people were alienated from him; and by that very Army in whom he had put his only trust, he was turned out, for by their joining the other side, the scales were turned against him, and he found himself at last obliged to succumb under the just resentments of an injured people. In this country, in every country, my Lords, where numerous Standing Armies have been kept up, we may find that innumerable evils and strange confusions have been brought on by the means of such Armies; and therefore I shall always be against giving the least countenance to any Bill, that seems to tend towards keeping up a Standing Army in the time of peace in this country.

The Earl of *Ilay* replied;

My Lords: I am persuaded that there is not one of your lordships, but thinks, that it is necessary to keep up some troops; we must at least keep up a few regular troops for our guards and garrisons; granting then that the number necessary to be kept, did not exceed 500 men, yet if even that number be necessary, the Bill now brought in is necessary; for without such a Bill as is now brought in, it would be impossible to keep even that number, or any number of troops in proper order or discipline; I cannot therefore think, that any of your lordships will be against this Bill entirely. The number of troops proposed to be kept up by this Bill, may perhaps by some be thought too large; but that matter cannot properly come in to be debated, till we go into a Committee upon the Bill, and then, my Lords, the number may be reduced, as this House shall think proper.—It is true, my Lords, that the keeping up of a Standing Army in time of peace, without consent of Parliament, is against the express words of the Petition of Right: But, my Lords the very design of this Bill, is to procure that consent, without which no Standing Army can be legally kept up in this kingdom. This Bill therefore cannot be contrary to the Petition of Right, since it is brought in, in compliance therewith: Nor can the passing of this Bill make any alteration in our constitution: For the laws of the kingdom are certainly a part of our Constitution, and if this Bill were once passed into a law, it will be as much a part of our Constitution, as any other law that ever was made; this indeed will be a new law, but that can be no argument against its becoming a part of our Constitution; for all our laws have some time or another been new laws; even Magna Charta itself was once a new law; yet all of them as soon as they were enacted, became a part of our Constitution, and still continue so, or did continue so, till they were in part or in whole altered or repealed.

The Earl of *Strafford* spoke next:

My Lords; It is certainly very necessary for us upon occasion of this Bill, to take the army under our consideration, and to determine what number of troops ought to be kept up; because, my lords, this is the only opportunity we can have of reducing the number allowed of, in case we happen to think it too great; and in case this Bill goes the length of a Committee, I shall then take the liberty to declare my sentiments upon that head. But, my lords, I now rise up to declare, that I am entirely against this Bill or any Mutiny-Bill; because I always looked upon it, as setting up a constitution within a constitution, or rather indeed, it is, the turning of our civil government into a military government. This, it is true, my lords, we may do by a law, and that law when passed will be a part of our constitution, yet I hope it will not be said, that such an extraordinary law would make no alteration in our constitution. I cannot be of opinion, that the keeping up of any regular troops in this kingdom is absolutely necessary; but

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granting that it were, I am certain, that in order to keep such troops under proper discipline, it is not absolutely necessary to have a law against mutiny and desertion. I had, my lords, the honour to command a regiment of dragoons in the reign of king William, which was given to me at the time of the siege of Namur; and I very well remember, that there was not at that time in England any such law, as what is now by this Bill to be enacted: We had then no such thing as mutiny-bills yearly brought in, nor any such Bill passed into a law, and yet in those days, we found means to keep our regiments in good order enough, and I believe there was as exact discipline observed in the regiments then quartered in England, as has been observed at any time since. If any of the soldiers committed any crime, they were sure to be punished, but then they were punished according to the ancient laws of the kingdom: The officers took care to deliver them up to the civil power, and to see them convicted and punished as severely as the laws of their country would admit of, which we always found was sufficient for keeping the men in good order, and for making them observe the most exact discipline.—If I were to enter into a particular examination of this Bill, I could make strong objections against several clauses thereof; I shall only mention that of desertion, how unnecessary, how cruel is it now in time of peace, to punish that crime with death? In the time of war, such a severe punishment was necessary, it was then just to punish it with death, because the deserters were generally at the same time guilty of the most heinous treachery; they generally ran in to the enemy, and turned those arms against their country, which their country had put into their hands for its defence. But now in time of peace, desertion has nothing in it of such a heinous nature; if a poor fellow deserts, he runs but from one of our own regiments to another; and the cruel treatment he meets with from some of the officers, may often afford him an excuse, if his case be examined by men of humanity and candour. How many poor country-fellows, either out of a frolic, or because they have been disobliged or slighted by their mistress, go and list themselves for soldiers? When such a fellow begins to cool, he perhaps repents of what he has done, and deserts without any other view or design but that of returning home, and following some industrious and laborious way of living in his own country. Is it not hard, that such a poor fellow should be shot for such a trifling crime? The law perhaps may not be executed with rigour; that, my lords, may be an excuse for the judge, but none for the lawgiver; considering that the officers are the sufferers by desertion, and also the judges in all trials of that crime, I think, my lords, that their not executing the law with rigour, is a convincing argument, that the pains are too severe; but, my lords, as I am against the Bill itself, as well as every clause thereof, I am therefore against giving it a second reading, or entering into the consideration of the several clauses of it.

Then the question being put, That the Bill be read a second time, it was carried in the affirmative.

Protest against the Mutiny Bill.] "Dissentient'—Because we conceive, that no countenance ought to be given to any act that may possibly lessen the affections of the people to the King, they being his surest guard; and we apprehend, that the keeping up, in time of peace, a greater number of forces than can be well governed by the established laws, is inconsistent with the notion of the government of a free people.——*(Signed,)* Abingdon, Strafford, Bristol, Litchfield, Exeter."

Protest against allowing above 12,000 *Men for the Army.*] March 7. The order of the day being read for the House to be put into a Committee of the whole House upon the Mutiny-Bill, and a motion being made, "That it be an Instruction to the Committee, that the number of men specified in the said Bill do not exceed 12,000." After long debate, the question was put, whether such an Instruction shall be given to the said Committee? it was resolved in the negative, Content 27, Not-Content 88.

"Dissentient' Abingdon.

1. "Because so great a number of troops as is established by this Bill was never allowed by parliament in time of settled peace, and no reason was given in opposition to the instruction but what, we conceive, must equally hold good in future times, for when can we hope to see a session of parliament opened with more satisfactory declarations and stronger assurances of happiness and security, than those contained in his Majesty's most gracious speech from the throne on the first day of this session: His Majesty is therein pleased to declare, that his expectations are fully answered; that the general tranquillity of Europe is restored and established; that the tedious work is perfected and finished; that the wounds which have been long bleeding are entirely healed; that the national expence will be considerably lessened, and that the nation shall reap the fruits of his endeavours. In such a situation of affairs, we conceive, that we could not act consistently with his Majesty's gracious disposition to his people, agreeably to the honour of this House, nor with that regard we must always have for the liberties of our fellow subjects, without endeavouring to reduce the number of troops specified in the Bill.

2. "Because the settled state of affairs at home, and the great duty and affection his Majesty's subjects have shewn to him on all occasions, should, in our opinion, be a full answer to all arguments that can be drawn to justify the keeping up so great a number of troops from any apprehensions of a Pretender to the throne; for if the present circumstances of this nation be compared with the situation

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of affairs after the treaty of Ryswick or that of Utrecht, these kingdoms will be found infinitely more secure in that particular. In the first period of time, the late king James was living who had an Irish army in his pay in France; many of his old servants and soldiers were then alive and active in England and Scotland: a potent prince and nation always supporting him, and ready at any time to arm in his cause: As to the second period of time, the Pretender was in the neighbourhood of France; that French king, who had maintained him and his family, was still living, and the protestant succession had not then taken place; yet, in both these points of time, half the number of troops allowed by the present Bill was not only thought by parliament, but by experience found sufficient for our security; How little foundation then does there seem to be for continuing such a number of forces at this juncture, when the Pretender has been long removed beyond the Alps, and a prince on the throne of France who seems more intent to make his own dominions flourish by trade, than out of a restless ambition to disturb his neighbours? Sufficient reasons may be drawn from the present situation of affairs in that kingdom, as well as those of Spain, to increase our naval force, but none, in our opinion, for maintaining such an army at land. The present royal family is now (God be praised) firmly seated on the throne, and nothing can shake it, but an administration which shall venture to depart from the principles on which the act of settlement was founded; that settlement was founded on liberty, and, by the nature of things, must be coeval with liberty.

3. "Because it has hitherto been thought the happiness of our situation, as an island, that we have not had the same occasion for numbers of troops to defend us as those on the continent: To prevent the inroad of their neighbours, they have been obliged to keep up standing armies, which have generally been the cause of the loss of their liberties, and always proved the sure means of fixing their chains upon them.

4. "Because we are fully convinced that his Majesty will reign the more firmly in the hearts of all his subjects, the more he places his confidence in them; and we conceive it to be an indignity to him, to suggest that he cannot now be secure on the throne, without the assistance of a greater standing force than ever his royal father was contented with in times of less tranquillity: Although it seemed to be the tendency of some arguments used against the question, yet we can never be brought to believe, that this nation is in danger of being over-run by any foreign force; our apprehensions are, that it only can be ruined and enslaved by a standing army at home; and we are justly jealous from the experience of former times, that the crown itself, as well as the liberties of the people, may be found at length to be at their disposal.

Lastly, "We refer to the four first Reasons entered on our Journals the 24th day of February, in the year 1718,* signed by many Lords of this House.——*(Signed)* Boyle, Shaftesbury, Foley, Suffolk, Bristol, Maynard, Tweedale, Aylesford, Litchfield, Exeter, Craven, Tadcaster, Northampton, Bridgwater, Thanet, Strafford, Scarsdale, Ker, Coventry, Carteret, Bathurst, Gower, Winchelsea and Nottingham."

March 10. The said Bill was read a third time, and passed without any amendment. Contents 64, Not-Contents 19.

Feb. 25. Sir Charles Turner presented the Salt-Bill to the House, which was read the first time, and ordered to be read a second time; and a motion being made for reading it a second time on the 2nd of March, the same was strenuously opposed, as being too short a time for considering a Bill of so much consequence; but upon a division, it was carried in the affirmative, by 206 against 180.

Debate in the Commons concerning the expelling Mr. Robinson, a Member of the House, who together with John Thompson, had fled beyond Sea, on Account of the Charitable Corporation.] The same day Mr. Sandys reported from the Committee appointed to inquire into the Affair of the Charitable Corporation, the result of their Inquiry as to the time, manner, and circumstances of George Robinson, esq. member for Marlow, and Mr. John Thompson's withdrawing themselves beyond the seas. Then a debate arose as to expelling Mr. Robinson; many members were for expelling him immediately, because though they were to endeavour, by rewards and punishments, to bring him over in order to make a discovery, yet they were to have a particular regard to their own honour: That it was proposed to grant him a general indemnity by act of parliament; and putting the case that he thereupon came over, and made as full and as ample a discovery as could be desired, yet he would still continue a rogue, notwithstanding such compliance; and no man of honour would keep him company: That therefore it would be very improper that he should continue a member of that House; and for that reason it would be necessary to expel him before the bringing in of this Bill for a general Indemnity; for if the bill were once passed, he might next minute take the benefit of it, and they could not in honour afterwards expel him; because it would be inflicting a punishment upon him for a crime, for which he had got an indemnity by act of parliament.

To this it was answered, That it were to be wished that the expelling or not expelling of him had not been mentioned: that the only thing they had then before them, was to contrive means for prevailing upon him to come over and make a discovery of that whole affair: That if they should then expel him, it would be terrifying him from coming over at the same time they were inviting him to come, which would be a very inconsistent manner of pro-

* See vol. 7, p. 546.

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ceeding: That besides it was not regular for them to proceed directly to the expelling of him, without giving him time to be heard: That by the Report then made to them, there was no crime as yet proved against him; for by that Report they could take no notice of any thing but his Bankruptcy, and as to that he ought at least to have time to be heard before he was expelled: That the honour of the House was as much concerned in proceeding regularly even against a rogue, as in not sitting with a rogue; and therefore they were against so abrupt a method of expelling him.

To this it was replied, That by the Report then made to them it appeared, that a statute of Bankruptcy had been issued against him; and that thereby his whole Estate real and personal, was vested in the commissioners, and consequently he could not have the Qualification as to an Estate, that was necessary for every man in order to intitle him to a seat in that House: That moreover by the Laws relating to bankrupts, a bankrupt was declared to be out of the king's protection; he was in a manner an outlaw, and therefore could not continue a member of that House; and for that reason they thought that the bankruptcy alone was sufficient ground for the House to proceed immediately to the expelling of him.

Hereupon some Members, Barristers at law, declared, That the question as to a man's being a bankrupt or not, could not properly come before them, more especially before he had submitted and acknowledged himself a bankrupt: That a statute of Bankruptcy's being taken out against a man, was no incontrovertible proof of his being a bankrupt; because if upon his petition it should appear that he was not a bankrupt, the statute would in that case be superseded: They allowed, That by one of the laws against bankrupts in queen Elizabeth's time, a man who was declared a bankrupt according to that statute, was declared to be out of her majesty's protection; but that there had been very few declared bankrupts according to that act: That they did not know of any one but Mr. Ward of Hackney;* and that therefore no argument could be drawn from that statute as to the case in hand.

Then Mr. Pelham proposed, That the Bill of Indemnity to be brought in as to Robinson, should contain an exception as to the privilege of his sitting in that House, by which they would leave themselves at liberty to act as they thought proper, supposing he should appear and take the benefit of the indemnity to be granted him.

To this it was objected, That the sending up of such a bill to the other House, would be giving them a power to intermeddle in an affair relating to the privilege of that House, which was not at all proper to be done, therefore it was proposed to have the indemnity special: but this likewise was objected to, as being what would not be effectual for the purpose intended, because upon such an indemnity it was not to be presumed that Robinson would come over; that he could not be thereby secured against parliamentary censures, and therefore he would never trust to any special indemnity.

A Bill ordered for the Appearance of George Robinson and John Thompson.] Then it was ordered, That leave be given to bring in a bill for the appearance of George Robinson, esq.; at a certain time to be fixed in the bill; and it was also ordered, That leave be given to bring in a bill to encourage and compel John Thompson and his accomplices to surrender themselves with the books and effects of the Corporation, at a certain time to be fixed in the same Bill.

Debate in the Commons on the Second Reading of the Salt Duty Bill.] March 2. The Salt Duty Bill was, pursuant to the order of the day, to have been read the second time; but before the reading thereof,

Mr. *William Pulteney* stood up, and spoke as follows:

Sir; By the ancient orders and methods of proceeding in this House, nothing relating to the raising of money, or taxing the people, can properly be brought before us, till it has gone regularly through the Committee of Ways and Means. In the Committee of Supply we examine every article relating to the public service; we settle the several articles, we examine what sums will be necessary for each article; and we resolve upon granting such sums as we then determine to be necessary. In the Committee of Ways and Means we take into our consideration those methods, which are proposed for raising the sums resolved on in the Committee of Supply, and after we have fixed upon those methods which are judged most proper, we order a bill or bills to be brought in, in pursuance of the resolutions then made; this has been the constant and uninterrupted method of proceeding in all such matters; and therefore it is certain that no bill, relating to the taxing of the people, can be regularly brought into this House, till it has once been considered of, and resolved upon in the Committee of Ways and Means. When this affair about the Salt Duty was brought before us in the Committee of Ways and Means, the only thing that was then thought of, was, the laying the same duties upon Salt, as had been laid on by the acts of the 5th and 6th and of the 9th and 10th years of king William 3, and thereupon we came to a resolution for reviving those duties: this was the resolution as to the Duty upon Salt we then came to, and in pursuance of this resolution a bill was ordered to be brought in; but by the bill brought in, as pretended, in pursuance of that resolution, I find that a great many laws are thereby to be revived, which we never so much as thought of, or once mentioned in the Committee of Ways and Means.

* See p. 521.

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Besides, Sir, I find that by this Bill there is a new tax to be laid upon the people of Great Britain; a tax I find is by this Bill to be laid upon white herrings; and I am sure there was no such tax ever mentioned in the Committee of Ways and Means, nor did we come to any resolution for laying any such tax upon the people of Great Britain. There is not so much as one word of herrings, or of any other fish, in the resolution we then came to. Since then the Bill now before us is no way warranted by that resolution, the passing thereof as it now stands would be a breaking through the most solemn orders of this House, in matters of the highest consequence, that of raising money and taxing the people of Great Britain; I therefore think, Sir, that the Bill brought in ought to be withdrawn, and this whole affair brought again to be considered in the Committee of Ways and Means. As we are now more apprized of the matter before us, than we were at first, and may upon second consideration come to such resolutions, as may authorize the bringing in and passing of such a Bill as is now before us, without transgressing the ancient orders and constant rules of proceeding in matters of so great consequence.

Mr. *Scrope* answered:

Sir; The objection that has been made, as to order, cannot properly come in to be debated till the Bill has been read, for till then we cannot pretend to be certain of the contents; if the honourable gentleman thinks proper, he may then insist upon his objection; but in my opinion, there is not the least foundation for such an objection; for when the Bill is read, I believe it will appear, that there is no law mentioned therein to be revived, but what is generally referred to in the resolution of the Committee of Ways and Means; and it has always been the practice of this House, to revive laws by a general reference: There are every year some expired or expiring laws revived or continued by a general reference to them, without particularly and at length reciting every one of them.

Sir *John Rushout* replied:

Sir; As I was from the beginning, so I am still against this extraordinary method of raising money by laying a duty upon salt; but since such a method was to be chosen, the regular way would have certainly been to have come to this downright and plain resolution, That a duty of so much per bushel should be laid upon all home-made salt for a term of three years. I now find such a regular and plain resolution was not to be made, because in such a case there could not have been the least pretence for not making the duty general all over the United Kingdoms; and therefore to save a part of the nation from the payment of the greatest part of this duty, this extraordinary method has been taken, which is as inconsistent with the ancient method of proceeding in parliament, as the duty itself is inconsistent with the freedom or the happiness of the people: But we see the consequence; for by taking this new and extraordinary method, a blunder was committed in the very first formation of the resolution which we were to come to; whether that was really a blunder, or a design to save some people from paying any thing towards this tax, I shall not pretend to determine; but I would have some people to consider, that it is very probable this tax may be continued after the expiration of this term of three years; and if it be, it is not very probable that the indulgence now to be granted, will then be continued. This blunder or design, be it which it will, in the forming of the resolution which we were to come to in the Committee of Ways and Means, was however accidentally then taken notice of, and was accordingly corrected in the best manner possible; but I wish, Sir, that the gentlemen who were then, and seem still to be so fond of this extraordinary method of taxing their fellow subjects, had then likewise taken notice of all the other blunders that were then committed, rather than that the ancient method of proceeding in this House should be altered, or that this House should, by such blunders, be brought in to do any thing that is irregular in an affair of so great consequence.

Mr. *Walter Plumer* spoke next:

Sir; When this affair was under our consideration in the Committee of Ways and Means, there was not certainly any duty or tax mentioned, but those that were laid on by the acts of the 5th and 6th, and of the 9th and 10th years of the reign of king William: There was no other duty so much as mentioned at that time, by any gentleman in the Committee; but it appears by this Bill now before us, that there are acts of parliament to be revived, by which a quite different duty was laid upon the subjects of this nation: These acts being repealed, they are now in the same case as if no such acts had ever been made, and therefore the reviving of them is the very same thing, as to make a new law for the taxing of the people of this nation; and consequently it must be granted, that the reviving of them, without having considered them in the Committee of Ways and Means, and coming to a proper resolution for that purpose, is contrary to the constant practice of this House, in all matters relating to the raising of money, or imposing taxes upon those who sent us hither, for the preservation of their liberties and properties, as well as of our own. The taxing of the people is an affair of the highest consequence; no tax ought to be agreed to, without the most mature deliberation; and for that reason our forefathers established it as a maxim, never to impose any tax, without first having it under our consideration in the Committee of Ways and Means; so that as long as we observe the ancient orders of this House, no tax can ever be imposed, without coming several times under the consideration of the House; but if we depart but one step from this ancient custom, it will be a

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most dangerous precedent; we know how easily bad precedents are improved upon, and by such improvements our constitution may be quite overturned: The most heavy taxes may come to be the produce of a day, nay the produce of a few hours.

But, Sir, this is not all; by this extraordinary Bill, and this extraordinary method of proceeding, there is another dangerous precedent introduced, another breach of the orders of this House committed. In all Bills by which the people of this realm are subjected to any penalties or forfeitures, it is the ancient and the known practice of this House, to leave blanks for such penalties and forfeitures in the first draught of the Bill, which blanks are never filled up till the affair comes before the House in a grand Committee upon the Bill: It must be twice read and considered before such blanks are filled up, and a considerable time must intervene between the first reading of the Bill, and the filling up of such blanks, in which time every member has an opportunity to consider the affair, to consult with others, and to determine whether it be consistent with the liberties of the people, to subject them to any penalties or forfeitures in such cases, and to what penalties or forfeitures it may be proper to make them liable. This is a wise and a necessary precaution, and ought not to be departed from upon any account whatsoever: But in the case now before us, we are to revive several laws, which is the same thing as to make new laws, by which the people are subjected to many and grievous penalties and forfeitures, without giving ourselves any opportunity to consider of such penalties and forfeitures when this Bill comes before us in a Committee; because all the penalties and forfeitures are already filled up in the laws referred to and to be revived by this Bill as it now stands. The circumstances of things and of countries alter every day; those penalties and forfeitures, to which the people were subject by those laws while subsisting, may now be extravagant, may now be absolutely inconsistent with the freedom of the people, though they were not so when those laws were first made; and therefore there having been once such penalties and forfeitures established, cannot afford us the least pretence for departing from an ancient custom, which has been so long observed, and has always been deemed absolutely necessary for the preservation of the liberties and privileges of this nation. For which reason, Sir, I shall be for the withdrawing of this Bill, and resuming the consideration of this affair in the Committee of ways and means.

Sir *Robert Walpole* made the following Answer:

Sir;

I have been long accustomed to be affronted and insulted, both within doors and without; but while my intentions are good, while my only aim is to serve my country to the best of my knowledge, and to the utmost of my power, I shall always disregard the reflections that are thrown out by those, whose sentiments or views may be different from mine. Gentlemen may talk which way they please about blunders, but there was no blunder, nor any bad design in the first or second draught of the resolution passed in the Committee of ways and means, nor in the drawing up of the Bill which has been brought in, in pursuance of that resolution. Even by the first draught of that resolution, there was no part of the nation, but what was subjected to the duties proposed to be laid upon salt: There were some doubts then started, which were, in my opinion, without any foundation: However, to satisfy those gentlemen who had raised such doubts, some words were immediately added, which, according to their own confession, put the matter out of dispute: And even the case which is now pretended to be a blunder, was under consideration, and the words of the resolution were concerted so as to prevent this, or any reasonable exceptions being taken to the Bill when it should be brought in. The words of the Resolution we came to in the Committee of ways and means were, 'That towards raising the 'Supply granted to his Majesty, the several 'duties on home-made salt, granted to the late 'king William and queen Mary, by an act of 'the 5th and 6th years of their reign, for a 'term of years, and afterwards made perpe-'tual; and also the additional duties on salt, 'granted by an act of the 9th and 10th years 'of his said late Majesty king William, and all 'the duties chargeable on home-made salt in 'Great Britain, which by an act of the 3d 'year of his present Majesty's reign ceased 'and determined on the 25th day of December '1730, be revived and granted to his Majesty, 'his heirs and successors, for the term of three 'years, from the 25th of March next, 1732.' I really should be glad to know what words are wanting in this resolution; for my own part, I cannot imagine any one word to be wanting, unless it be the word *and*, before the word *which*; but the leaving out even of this word *and* was no blunder; even that word was then under our consideration, and it was judged, that it was better to leave it out.

I am sure, Sir, that there is no man but must upon the reading over of that resolution conclude, that it refers to all and every one of the acts any way relating to the salt-duty, which were repealed by the said act of the 3d year of his present Majesty's reign. The two acts of king William and queen Mary's, and of king William's reign, which are there particularly mentioned, were the only two acts of all those that are to be revived, by which any tax or duty was laid upon the subject. It had indeed been discovered, that by means of the drawbacks which were allowed upon the exportation of herrings, a great many frauds had been committed, and the public had been cheated out of very large sums of money; and therefore it was afterwards found necessary to take off those duties which by those laws in king William's time were paid upon all salt

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used in the curing of white herrings; and the same were accordingly taken off, by an act of the 8th of the late king, and a proportionable duty was thereby laid upon white herrings cured with salt for home consumption: But is it not plain that this was no new duty? it was no new tax laid upon the people; it was only a new method of raising the duty upon such salt as should be thereafter made use of in salting of herrings, and therefore it was applied to the same purposes, to which the duties upon salt had been before applied; it was not looked on as a new fund, nor was it applied to any new purposes; nay it was so much looked on as a duty still remaining upon salt, that when the act was made for abolishing the duties upon salt, this duty upon herrings was not so much as mentioned in the act; and yet by that act this duty ceased and was abolished as well as all the other duties upon salt. It is therefore plain we do not transgress the orders of this House, or the ancient method of proceeding with respect to taxes; there is no tax by this Bill to be laid upon the people, but what was under our consideration in the Committee of Supply, and particularly referred to in the resolution then made.

As to the other acts which are to be revived by the bill now before us, they were all made for the more regular raising of that duty, which had been laid on by the said two acts of the 5th and 6th of William and Mary, and the 9th and 10th of William, and for preventing the frauds which might be committed with relation thereunto. When we were in the Committee of Ways and Means, and had had the reviving of those duties under our consideration, could any man then imagine that we were to revive those duties, and yet not revive all those laws, which had been made for the regular and fair raising of them? No man could form to himself such an absurd imagination. These laws were all repealed by the act of the third of his present Majesty, and as that act is particularly mentioned in the resolution we came to, therefore we must grant that every one of the laws mentioned in this bill to be revived are generally referred to in that resolution. The very nature of the thing itself, as well as this general reference, brought every one of those laws necessarily under our consideration; and it is certain that if any of us had had any objection to the reviving of those laws, such objection would then have been started, and would have been fully considered; but no reasonable objection could then, or can now be made to the reviving of any of them, or of any part of any of them. Surely no man will say, that it was necessary to mention particularly every one of those laws in the resolution we then came to; it was certainly enough to refer to them in general as repealed by the act of the third year of his present Majesty; such references are frequent in the resolutions of this House; it is what is done every year with regard to the Malt-tax, and yet the Malt-tax act of the preceding year, is as much a dead law, before the new one takes place, as any law whatever. Every act that ever was passed in this House for raising the Malt-tax, is in every clause thereof as much a new law as any act that is by this bill to be revived, and therefore it cannot be said that there is any law now to be revived, but what was under our consideration in the Committee of Supply, and is as much referred to by the resolution we then came to, as is usual in such cases, according to the ancient method of proceeding in all such affairs.

Even as to laws inflicting pains and penalties upon the subject, we know, that it is the common practice of this House to revive such laws by a general resolution; it is practised every year; laws expiring or expired are continued or revived by general resolutions and general clauses, without any new recital of the whole act so to be continued or revived, or leaving the penalties blank to be filled up when the House goes into a committee upon the bill which is brought in for the continuing or reviving of such laws: there are, I believe, Sir, a hundred such precedents in the journals of this House. The making of a general recital of the laws to be revived by this Bill, is only making a short Bill in place of a book as large as the land-tax Bill. In my opinion, there was not an absolute necessity even to have mentioned in this Bill every law that was to be thereby revived; a general revival of all the laws repealed by the act of the third of his present Majesty would have been enough; even such a general revival would not have been contrary to any of the orders of this House; but it was thought proper to mention every law particularly, that no man might have it to say, that he was catched, or that any thing was secretly foisted in, or included under the general words of the Bill, which was not under consideration at the time the Bill was passed.

Sir *William Wyndham* spoke next.

Sir,

As to this Tax upon Salt, I must still say, that I cannot but look upon it as a very great grievance upon the poor of this nation. The poorest labourer consumes for his own personal use as much, nay more Salt than any member of this House, or any rich man in the nation, and therefore we must reckon that the poor pay as much as the rich: there are but very few of the poor labourers and tradesmen that live in the families of those that employ them, they generally live upon the daily wages they receive, and it is very hard to make such a poor man pay out of the poor pittance of wages he receives for his daily support, as much towards the public expence, as is paid by the richest man in the nation. We ought, Sir, to consider, that by taking from the rich, we only diminish their luxury, but by squeezing from the poor, we increase their misery. This, Sir, must be a moving consideration to every man that has any bowels of compassion towards his fellow-creatures.

But, Sir, besides oppressing the poor, we are

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now, I find, to overturn the method of proceeding always observed in this House in the like cases. This, Sir, is of the utmost consequence to the very being of our constitution. The ancient orders of this House ought most punctually to be observed. Some of them may perhaps seem to be of little consequence: But if we fall into a way of breaking through them upon slight occasions we shall soon fall into confusion; then indeed we may probably discover, that those orders which we now think to be trivial, were of the utmost consequence; but then it will be too late. I am really surprised to hear it said, that a tax upon white herrings is a tax upon salt: We may as well say, that a duty upon fish, is a duty upon flesh, or that fish is flesh: And if we once come to give such a blind and implicit assent to the dictates or assertions of any man breathing, we may have freedom, we may have liberty, but I am sure it cannot then be said, that we make any use of the freedom we enjoy. We may perhaps now agree to this odd proposition, that a duty upon fish is a duty upon salt; but I am sure this House was of a different opinion when this duty was taken off of the salt, and laid upon white herrings; it was then looked upon as a quite different duty, and therefore the laying on of this duty upon white herrings, was first taken into consideration in the Committee of ways and means, and a resolution was there made for the laying on of this duty upon white herrings cured for home-consumption, in the place of the duty that had been before laid upon the salt with which they were cured. If it had not then been looked on as a different duty, there was no necessity for having taken it into our consideration in the Committee for ways and means, or for our having made a resolution in that Committee before any bill could be brought in for that purpose.

But it seems, Sir, this tax upon herrings, or the tax upon salt, has since that time changed its nature: for a bill I find is now brought in for reviving the duty upon white herrings, in pursuance of a resolution of the Committee of ways and means for reviving the duties upon salt, laid on by two acts, in that resolution particularly mentioned; in neither of which is there one word mentioned of any duty upon white herrings: This pretence might perhaps have admitted of some shew of reason, if neither of these acts had been mentioned; if we had in general resolved to revive the several duties on home-made salt, which by an act of the 3d of his present Majesty's reign ceased and determined, such a general resolution might have perhaps afforded some pretence for reviving this duty upon white herrings, but even in that case the pretence would have been a very lame one; for in order to include this tax upon herrings, we ought to have made our resolution still more general; we ought to have resolved, to revive the several duties which by the act of the 3d of his present Majesty ceased and determined, without the inserting of those words, 'Home-made Salt;' for by the inserting of those words, we confined the general reference after-mentioned to the duties on home-made salt only, and by the inserting particularly those laws of king William's reign, we still more strongly confined ourselves to those duties, even on home-made salt, which were laid on by those two acts only: If there had been any additional duty laid even upon salt by any other act, surely no man will say, that by our resolution, such a duty could have been revived, though the same had ceased and determined by the act of the 3d of his present Majesty. Nor is it any argument for proving this duty upon fish, to be a duty upon salt, that it ceased and determined by the same law by which the duties upon salt were taken off, though in that law there was no mention made of the duty upon white herrings; because by the very act which establishes this duty upon white herrings, there is an express provision, that this duty upon herrings should cease and determine as soon as the duty upon salt should be taken off, or in proportion, in case any part of the duty upon salt should be taken off, as every gentleman may see who has a mind to peruse the act of the 8th of his late Majesty, by which this duty upon herrings was first established.

It has been pretended, that Precedents may be found in the Journals of this House for warranting the method of reviving laws, which is now contended for; I do not believe that any such precedent can be found. An obsolete law may without doubt be revived by a new law. A law repealed may be revived, by repealing of that law, by which it was repealed: But I do not believe, that ever any law was revived, till after the House had taken such law particularly into their consideration in some sort of Committee or another. The expired or expiring laws are never revived or continued till they have been severally and particularly examined and considered of in a Committee, and a particular resolution made as to each: Do not we every year name a Committee for inspecting into the laws expired or near expiring, and for considering which of them, and what parts of each, are fit to be revived or continued? Does not that Committee examine every one of them particularly, and come to a resolution upon each law by itself? Are not those resolutions reported to the House? Then the House takes every one of those Resolutions separately into consideration, and orders a bill or bills to be brought in, in pursuance of such of the resolutions as are agreed unto by the House. Every member of this House knows that this is the constant method of continuing or reviving the laws that are expiring or expired. And is not this directly contrary to the method we are now about? Can any man say, that any one of the laws to be revived by this Bill, was ever taken into consideration by any Committee of this House, or that any resolution has been made and agreed to for reviving all or any one of them? There was not so much as one of them mentioned in the Committee of Ways and Means, when we had the reviving of the duties

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upon salt under our consideration. They are neither generally nor particularly referred to in the Resolution we then came to. In the whole Resolution, there is not so much as one word mentioned of the reviving any law whatever; we resolved only upon reviving of the duties, we did not so much as think of reviving any of the laws relating to the collecting of such duties. That ought to have been the affair of another day; we ought to have taken every one of them separately into our consideration, in order to have determined which of them were proper to have been revived; and we ought to have come to a particular Resolution as to each; and then in pursuance of all those Resolutions, such a Bill as the present might have been regularly brought in.

As to the Malt-Tax-Bill, there is no sort of parallel. It is true, the Malt-Tax-Act of the preceding year must certainly be expired before the new one can take place; but while the new Bill is under the consideration of the House, the old is subsisting: yet even in that case we do not lay any tax upon the subject, till it has been particularly before us in the Committee of Ways and Means. We there take all the duties laid on by the former Bill particularly into our consideration, and the resolution we always come to is, that the same duties shall be raised upon malt, &c. which were raised by such a former act, particularly therein referred to; upon this resolution a new Bill is brought in for continuing the same duties: this new Bill is indeed generally much the same with the former; but in this case there is no repealed or expired law revived: The Bill is entirely new, and whatever penalties or forfeitures are thereby to be inflicted upon the subject, left blank to be filled up when the House goes into a Committee upon the Bill: the same penalties are indeed generally filled up, but not till the House has an opportunity to examine them in a Committee upon the Bill: this shews that the method of proceeding as to the Malt-Tax-Bill can be no precedent, nor any authority for the Bill now before us, by which a great many laws are to be revived, which were never inspected or considered by any committee of this House. Penalties are to be inflicted upon the subject, without leaving it in the power of the House to examine them when they go into a Committee upon the Bill; and a tax is to be laid upon the subject, without its having been considered of, or resolved upon in the Committee of Ways and Means.

I would be glad to know how it was possible for any member of this House, when we were in the Committee of Ways and Means, to make any objection against any of those laws which are by this Bill to be revived: There was not one of them so much as mentioned at that time; no man proposed the reviving of any one of them; how then was it possible to start any objection thereunto? I believe till this Bill was brought in, no man dreamed of such laws being to be revived; and now it is too late to make any objections: this Bill will be passed, before any man can have to peruse and consider all those laws that are thereby to be revived; this alone may shew the irregularity and inconvenience of the present method of proceeding: this shews what a dangerous precedent we are about to make for those that come after us: A precedent, Sir, that will be an eternal reproach upon this session of Parliament, and a precedent that our latest posterity will have cause to complain of.

Mr. *Clayton* said:

Sir;

I shall take notice only of one thing relating to the debate. It is well known, that upon the death of every King, all those duties which had been granted for the support of the civil list, expired of course, and are in the case as if no such duties had ever been granted: and yet the very first parliament next after the accession of a successor, those very duties are all revived, and are settled upon the successor, for his life, by a general Bill: it is no way thought necessary to bring in a particular Bill for every duty that is then to be revived. This, Sir, is an argument for the present method of proceeding, to which I defy any man to give a sufficient answer.

Mr. *Walter Plumer* stood up, and said:

Sir; From this very debate it appears plain to me, that we are in some doubt, whether we are regular in our present method of proceeding or not; I am persuaded that if there was no plausible reason for suspecting the regularity and order of our proceedings as to the Bill now before us, the right honourable member on the floor would not have taken so much pains to explain the case to us; and I must think, Sir, that in an affair of so great consequence, an affair of as great consequence as any that ever did, or ever can come before this House, the least doubt as to the regularity of our proceedings, the least suspicion of our being got into any method contrary to the ancient orders of this House, ought to be a sufficient and a prevailing argument for the withdrawing of this Bill, and for our resuming the consideration of this affair, in the Committee of Ways and Means. It is no scandal, Sir, for us, or for any man to own that he has been in a mistake: the wisest men are not infallible; but for men to persist in a mistake, after it is discovered, or even after they begin to doubt whether they are in a mistake or no, does not savour much of wisdom, more especially in an affair which may be so easily rectified. This session of parliament must continue sitting for some considerable time as yet: and as we have time enough, I can see no reason why this affair may not be brought again before the committee of ways and means, where all mistakes, if any be, may be corrected, and even all future doubts or disputes, as to regularity and method, may be obviated.

As to what the worthy member who spoke last observed about the Civil List duties, it

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must be granted, that they expire at the death of every King; and, Sir, it must likewise be granted, that since the first establishment of such duties, they have all been most punctually revived by the very first parliament after the accession of the next successor. But in what manner? Why, Sir, by the House's taking them one by one under consideration in a Committee, and coming to a particular resolution as to every one: Then indeed one general Bill is ordered to be brought in, in pursuance of all these particular resolutions: But is not this, Sir, a method of proceeding quite different from the method we are now in? If those Civil List Duties had ever been revived by a general resolution, and a great many expired or repealed penal laws, relating to the collecting of them, revived by a general reference in the new Bill, without being mentioned in the resolution of the Committee, then an argument might have been from thence drawn for the regularity of our present method of proceeding; but as there never was any such thing pretended to be done in the reviving of those Civil List Duties, I am of opinion, that the usual method of proceeding with respect to the revival of them, is a very strong argument against the regularity of the method we are now in, with respect to this favourite scheme of reviving the duties upon salt. And thus, Sir, I hope, I have given a sufficient answer to the argument made use of by the gentleman who spoke last. But, Sir, as to the duty itself, I am surprized that there should be any farther dispute about it, for it really appears to me, that every man in this House is against it: Even of those who at first seemed to be for it some have since acknowledged, that it will be an intolerable grievance upon the people in Scotland; and the rest have acknowledged, that it will be liable to a great many frauds: Sir, I cannot think that any man, who thinks this duty an intolerable grievance upon Scotland, will be for reviving it; and we have so many fraudulent practices already in this kingdom, that I cannot think any man will be for reviving a duty which he thinks will increase them. At this rate, Sir, I cannot really perceive that any man in this House is for the duty; why therefore should we dispute any longer about the method of reviving this duty, since every man, that has spoke in the debate, has given a good reason for his being against the duty itself?

This debate being over, the Bill was read a second time, and a motion being made for the committing thereof, and the question being put, it was carried in the affirmative, by 209 against 154; and it was resolved, That the House would resolve itself into a Committee of the whole House, upon the said Bill, on the 8th instant.

A Bill 'For securing the Freedom of Parliaments' brought into the Commons.] March 7. Mr. Rolle presented, according to order, a Bill, for amending and making more effectual an act made in the 9th year of the reign of queen Anne, intitled, 'An Act for securing the 'Freedom of Parliaments, by the farther Qualifying the Members to sit in the House of 'Commons;' which was read the first, and ordered to be read a second time.

The same day, two Bills were brought in, relating to George Robinson and John Thompson, pursuant to an order of the 25th of February, which were both read twice and committed: It was also ordered, That the Committee do make the said two Bills into one.

March 13. The Bill against George Robinson and John Thompson was read a third time, and sent up to the Lords, where it passed very speedily, and on the 20th instant had the royal assent.

REPORT FROM THE COMMITTEE TO WHOM THE BOOKS, INSTRUMENTS, AND PAPERS RELATING TO THE SALE OF THE ESTATE OF JAMES LATE EARL OF DERWENTWATER WERE REFERRED.] Lord Gage reported from the Committee, to whom all the Books, Instruments, and Papers, relating to the Sale of the Estate of James, late earl of Derwentwater,* which have been presented to the House, pursuant to their orders, were referred; that the Committee had

* "Another, but a more daring bare-faced instance of the abuse of parliamentary confidence, happened to be discovered this session, by the unwearied application of lord Gage. He had, before he was made a nobleman, been a Roman Catholic, which threw him into some connections with those families. Certain commissioners were appointed to sell the English estates forfeited by the rebellion of the year 1715, and among others the forfeited reversion of one that had belonged to the Derwentwater family, which actually brought in near 8,000*l.* a year, and was improveable to 9,000*l.* The commissioners employed in the sale of this reversion were sir John Eyles, sir Thomas Hales, serjeant Birch, and Dennis Bond, esq. Birch and Bond were men of business, knowing in the ways of life, and therefore in person attended all the transactions of the commissioners, of whom four were a quorum. The other two being really, or affecting to be, less conversant in the matters of the commission, by an unaccountable and indeed criminal indolence, seldom attended the office upon business; but when they did not attend, they empowered one Allen, who was secretary to the commissioners, to sign their names and affix their seals to all bargains, contracts, orders and other papers. By a particular management, this sale was held in so clandestine a manner, though publicly advertised, that none appeared to bid but one Mr. Smith, who bought the reversion at the easy rate of 1,000*l.* At the time of this sale, the eldest son of the late earl of Derwentwater, who was but a stripling, was in a languishing state of health; and he actually dying soon after, the estate came to Smith and his associates, who had been concerned in the management of the sale; because Charles Ratcliffe,

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examined the said Books, Instruments, and Papers, and had agreed upon a Report, which they had directed him to make: and he read the Report in his place, and afterwards delivered it in at the Clerk's table. The said Report was as follows:

REPORT FROM THE COMMITTEE TO WHOM ALL THE BOOKS, INSTRUMENTS, AND PAPERS, RELATING TO THE SALE OF THE ESTATE OF JAMES LATE EARL OF DERWENTWATER, WERE REFERRED.

The Committee, to whom all the Books, Instruments, and Papers, relating to the sale of the estate of James late earl of Derwentwater were referred, pursuant to the order of the House, have examined the said Books, Instruments, and papers.

Before your Committee entered into their examination they perused the act of parliament passed in the 1st year of the reign of his late Majesty king George, intituled, 'An act for 'appointing commissioners to inquire into 'the estates of certain traitors and of popish 'recusants, and of estates given to su- 'perstitious uses, in order to raise money out 'of them severally for the use of the public:' And also, the act passed in the 4th year of his said late Majesty's reign, intituled, 'An Act 'for vesting the forfeited estates in Great Bri- 'tain and Ireland in Trustees, to be sold for 'the use of the public; and for giving relief to 'lawful creditors, by determining the claims; 'and for more effectual bringing into the res- 'pective Exchequers, the rents and profits of 'the said estates, till sold.'

By the first of which acts it was enacted, "That all estates of what nature or kind soever, whereof any person or persons attainted of high treason since the 24th of June, 1715, and before the 24th of June, 1716, for crimes committed before the 1st of June, 1716; was, were, or should be seized or possessed of, in his, her, or their own right, or to his, her, or their own use, or whereof any other person, or persons, was, were, or should be possessed of, or interested in, or to the use of or in trust for them or any of them on the said 24th of June, 1715, or at any time afterwards, should be forfeited to, and vested in his said late Majesty, his heirs, and successors, and were declared to be so vested, according to the several and respective estates and interests, which the said persons attainted, or to be attainted, or any in trust for them, or any of them, had or should have therein, for the use of the public.

"And to the end that all the estates so vested might be better discovered and ascertained, commissioners were appointed by the said act for inquiring into all such estates, and to receive and allow the claims made, within the times thereby appointed, of all and every person and persons (other than the forfeiting persons, or those in trust for them) having any estate, right, title, or interest, in law or equity, in, to, out of, or upon, any of the estates so vested in his said late Majesty.

"By the other act of the 4th year of his late Majesty's reign, all estates which by the former act were vested or intended to be vested in his said late Majesty, his heirs, and successors, were vested in thirteen commissioners and trustees therein named according to the several estates and interests vested or intended to be vested in his said late Majesty by the former act, to the end the same might be bargained, sold, disposed of, and applied, by the said trustees, and the survivors of them, to and for the uses in the said act mentioned and declared.

"And the said commissioners and trustees, or any four of them, were thereby declared a Court of Record; and they, or any four of them, were enabled and required to sell all and singular the estates and interests vested in them (after such claims allowed, as in the said act prescribed) as soon after the 25th day of March, 1718, as conveniently might be, to any person or persons being Protestants, bodies politic or corporate (other than the said commissioners and trustees, or their officers, or others in trust for them, or any of them) and, in order thereto, should cause public notice to be given, by the space of fifteen days at least, of the time and place, when and where they intended to begin to expose to sale any part of such premisses; and at such appointed time should expose the same to sale, in such parts or proportions, as the said commissioners and trustees, or any four of them, should think convenient, by cant or auction; and the person or persons, who thereupon should bid most for the same, above the price set thereon, should be deemed the purchaser or purchasers thereof; and the said commissioners and trustees, or any four of them, should immediately upon every such sale or contract cause an entry to be made in their books of all and every the particular estates so sold and contracted for, and what estate and interest they sold therein; and for the satisfaction of such buyers or contractors, if they should insist thereupon, the said commissioners and trustees, or any four of them, should give a note in writing, under their hands and seals, unto the several buyers, expressing the particulars by them bought, for what estate or interest therein, the

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brother to the earl of Derwentwater, and next heir, was forfeited, and therefore could not enjoy.

"This event, however, opened both the eyes and mouths of the world; and by the indefatigable pains which lord Gage took, the whole mystery of iniquity was traced through all its labyrinths. Birch and Bond, who were members, were expelled the House; sir John Eyles was reprimanded by the Speaker; and lord Gage had the thanks of the House in a very elegant speech from the chair; and the whole transaction was declared to be void, because it appeared that only Bond and Birch were present, and the names of the other two commissioners were signed, and their seals affixed by Allen, or some inferior clerk of the commissioners." Tindal.

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price, and the time of such sale or contract, and thereupon such buyers should pay the price agreed on into the Exchequer, at the time such commissioners or trustees, or any four of them, should appoint; and they, or any four of them, being certified of the payment thereof, should execute an indenture or contract of bargain and sale, of the parcels so bought and paid for, as aforesaid, to every such buyer or buyers thereof, for such estate or interest therein, as the said commissioners and trustees, or any four of them, should contract to sell; which indenture or contract being inrolled, as the said act directed, every such purchaser or purchasers, their heirs, successors, executors, administrators, or assigns should hold and enjoy such estate and interest, as should be conveyed to them by the said commissioners and trustees, or any four of them, freed and discharged from all claims and demands of his said late Majesty, his heirs, and successors, and of the said commissioners and trustees, their heirs, executors, administrators, and assigns, and of all and every other person or persons whatsoever (other than and except such claims and demands allowed by the said commissioners and trustees, or any four of them, or delegates on the determination of such claims) and also freed and discharged of and from all breach of trust, which could be pretended to be committed by the said commissioners and trustees, in not strictly pursuing the powers or directions given by the said act.

"And if any person or persons, who should contract for any purchase, as aforesaid, should not within the time appointed pay the money contracted for, every such buyer should forfeit one fifth part of the consideration money consideration money contracted for; and the commissioners and trustees, or any four of them, should proceed to a new sale of all and every such estate or estates."

The said Act also directed the payment of 1,000*l.* per ann. free of taxes, to each commissioner and trustee, for his labour, pains and services in the execution of the several trusts by the said act reposed in him; and there was a power for the commissioners of the treasury to pay, by way of imprest, to such person, as the said commissioners and trustees should nominate, such sums of money for the payment of the salaries of their inferior officers, and for incident charges, as the commissioners of the treasury should judge necessary and reasonable.

Upon entering into this examination, your Committee found in a London Gazette, dated, from Saturday, June the 15th, to Tuesday, June the 18th, 1723, an advertisement in the following words:

"Notice is hereby given, That on Thursday the 11th day of July next, at nine of the clock in the forenoon, all the estate and interest vested in the commissioners and trustees for the forfeited estates in England, for the use of the public, in and to the several estates following, viz. The several estates late of James late earl of Derwentwater, in the several counties of Northumberland, Cumberland, and Durham; and the several estates late of Francis Anderton, in the several counties of Lancaster and Cumberland; the estate of Henry Oxburgh, in the King's County, in the kingdom of Ireland; a messuage and tenement called Legram alias Leithgram-house, with the appurtenances in Bolland cum Leithgram in the county of Lancaster, late the estate of William Bolton; one annuity or yearly payment of 200*l.* issuing out of, and charged upon part of the estate of James late earl of Derwentwater, and payable during the life of Charles Radcliffe, brother to the said late earl of Derwentwater; the manor of Twickenham in the county of Middlesex, late the estate of Henry late lord viscount Bolingbroke; and in and to the estate late of Roger Dicconson, in the county of Lancaster; will be severally exposed to sale by way of cant or auction before the said commissioners and trustees at their office in Figtree Court, Inner Temple, London, where particulars of the said estates will be ready to be delivered on Monday the 24th instant. Samuel Allen, Secretary."

And your Committee found a printed Particular of the said late earl's estate set up to sale, pursuant to the notice before, intituled, 'A 'Rental of the estates late lord Derwentwater's, 'in the counties of Northumberland and Cum-'berland,' in the body of which particular there is likewise inserted an estate in the county Palatine of Durham, which estates are there declared to be subject to an annuity of 200*l.* payable to Charles Radcliffe during his life, as also to other annuities and incumbrances therein mentioned: and at the end of the rental it is inserted, That the above estate was to be sold during the continuance of an estate in tail mail vested in Charles Radcliffe, younger brother of the said late earl, in remainder expectant on the death of John Radcliffe, only son of the said late earl, under age, and without issue male.

Hereupon inspecting the Minute Book, wherein the proceedings of the said commissioners were each day entered, your committee found, that on the 11th of July, 1723, the before-mentioned annuity is there declared to be sold to Robert Hackett, esq.; for 1205*l.* without the arrears, pursuant to an order of the board the day before.

But in the book, in which the contracts of the respective purchasers of the forfeited estates are entered, on the days such contracts were made, no contract for the sale of the said annuity appeared to be entered; and your committee observe among the contracts, dated 11th of July, two leaves are torn out, and in the same place a loose leaf is pinned in, on which appeared to be entered a contract for the purchase of the aforesaid annuity, signed Robert Hackett; which loose leaf no ways tallies to the remaining part of either of the leaves torn out.

In the Minute Book, where the proceedings of the 24th of July are entered, it is there mentioned, That, Mr. Hackett having refused to perform his contract, the said annuity should

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be put up again to sale on Tuesday then next following.

And in the Book of Contracts your Committee found a Contract signed Matth. White, and dated the 30th of the same July, in which he is declared purchaser of the said Annuity of 200*l.* together with all the arrears thereof, from the Attainder of the said Charles Radcliffe, for the sum of 1,201*l.* 1*s.* and no more.

Upon which your Committee inspected the Minutes of the Proceedings of the 30th of July, and found only the names of two of the Commissioners, Mr. Serjeant Birch, and Mr. Bond, entered, as present that day; and no notice taken, that the said Annuity was either put up to sale by cant or auction, or sold; though in the aforesaid Contract, White is declared to be the best bidder: nor did it appear to your Committee by any of the books or minutes, that the Commissioners ever demanded from Hackett the forfeitures directed to be paid by the Act, for not performing his contract.

In the Minute Book, among the proceedings of the 11th of July 1723, your Committee found, that the estates of the late earl of Derwentwater, in the counties of Northumberland and Cumberland, were sold to William Smith, esq.; of Billiter square, London, for 1,060*l.* But upon inspecting the Book of Contracts, where those dated the 11th of the same July are entered, your Committee found no such Contract entered there; but two leaves appeared to be torn out; and after several contracts dated between the 11th and the 30th of the same month, a contract is entered, signed William Smith, and dated, as on the 11th; by which the estate tail vested in Charles Radcliffe in remainder, expectant on the death of John Radcliffe, without issue male: and also the reversion in fee of the said late earl's estates in Northumberland and Cumberland, subject to the charges and annuities mentioned in the printed particular, are sold to the said Smith for 1,060*l.*

It also appeared to your Committee by an original Precept, sealed, and signed with the names of four Commissioners, and directed to the said William Smith, requiring him to pay into the Exchequer 1060*l.* that the said money was for the purchase of part of the estate of the late earl of Derwentwater, in the counties of Northumberland and Cumberland.

Upon examining the Books, where copies of the several Conveyances are entered, your Committee found, that, in pursuance of the last mentioned Contract, a Conveyance was executed by the said Commissioners, dated the 28th of September, 1723, whereby the said late earl's estates in the counties of Northumberland and Cumberland, and the county palatine of Durham, are conveyed to the said Smith.

It appearing to your Committee in the course of their examination, that leaves have been torn, or cut out, erasements made, and interlineations inserted, in the Minute Book and Book of Contracts, they first examined in the most solemn manner, Mr. George Turbill; who said, that he was formerly Register to the Commissioners for the sale of the forfeited estates, and is now Keeper of the Records and Papers belonging to the said Commission; that, since the said records and papers were delivered to him by Mr. Allen, the then secretary to the said commissioners, they have never been out of his custody, nor have any alterations been made in them, to his knowledge, since that time.

That the first time he observed leaves to be torn out of the Book of Contracts, was when Mr. Smith lately applied to him for copies of some claims, and the contract for sale of the late lord Derwentwater's estate; upon the examinant's searching for the said contract (which is dated the 11th of July, 1723), it was not entered among the contracts of that date, but leaves had been there torn out; and he found it entered, subsequent to another contract, dated the 30th of the same July.

Being shewn a loose leaf, on which is entered the contract for the sale of Mr. Radcliff's annuity to Hackett, and asked, where he found that leaf, he answered, he found it at the end of the contract book, but pinned it into the place, where he thought it belonged, and the first time he saw it, was, when the beforementioned application was made to him by Smith.

Mr. Samuel Allen, being also examined in the most solemn manner, said, That he was appointed by the said commissioners, first to be their solicitor, and afterwards, upon the removal of the late Mr. Martin, to be their secretary; that he always locked up the book of contracts in the commissioners room; and upon his making inquiry lately among Martin's clerks, how leaves came to be torn out of the said book, they could give him no account of that matter.

The book being shewn him, where Smith's contract, dated the 11th of July, is entered, subsequent to one dated the 30th; and he asked the reason of it, he answered, It was wrote by one Cooke, a clerk at that time in the office; and the examinant believed the first contract was torn out, and another was afterwards made, and antedated; and he said, he believed, that several leaves had been torn out, before he entered upon the office of secretary, and might afterwards, but he never tore out any himself, nor did he remember he gave any orders for so doing; if he did, it was when contracts, entered wrong by the clerks, have been torn out by the commissioners order; for he should never have given such orders himself without their direction.

He further said, That he believed several leaves, between the 11th and 18th of July, 1723, might be cut out of the said book, whilst in his custody, but he knows nothing of the loose leaf beforementioned, nor that there was any loose leaf in the said book, when he delivered it to Mr. Turbill: however, that there was not any at that time, he would not positively affirm.

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Mr. William Cooke, being examined in the most solemn manner, said, That he was registring clerk to the commissioners, and ingrossing clerk of the decrees.

Upon his being shewn the loose leaf, whereon is entered Hackett's contract mentioned before, and examined in relation thereto, he said, That contract was of his hand-writing, he sometimes entering contracts, when the clerk, whose business it was to do it, was otherwise employed; but being so long since, he could not remember whether he wrote it in a book, or on a loose sheet of paper; but he did not remember, that he ever wrote any contract on a loose leaf.

He likewise said, That Mr. White's contract for the purchase of Mr. Radcliffe's annuity, dated the 30th of July, 1723, and Mr. Smith's contract dated the 11th of the same month, were of his hand writing; but he could not remember the days of the month, on which he wrote the same; yet he believed, by the order in which they are entered in the book, that Smith's contract, dated the 11th, was wrote after White's dated the 30th. And he said he had his directions concerning this contract of Smith's, from one Mr. Harris only.

Mr. John Harris, being examined in the most solemn manner, said, That he was clerk under the secretary to the said commissioners; and being asked, from whom he had the draught of Mr. Smith's contract, dated the 11th of July, and entered subsequent to White's of the 30th, he answered, he had it from Mr. Allen, but remembered no orders he gave to Cooke relating thereto, though Cooke sometimes assisted him.

Being asked, if he never observed any leaves to be torn out of the Book of Contracts, he said, the first time he did, was at his former examination before your Committee; but he believed it had been a practice in the office to tear them out, when mistakes have happened in the writing, or the particular of an estate has been defective, or a better title has been made appear, but then it was never done without order from the board of Commissioners.

He further said, That he always attended the sales of the forfeited estates, and particularly remembered he was present the 11th of July, 1723, when the late lord Derwentwater's estate was set up to sale: and he believed, it was then sold to Mr. Smith; that the contract was entered that day in the book; and he believed he was witness to it, because he was witness to the other contracts entered the same day.

Then he was shewn the Book of Contracts; and not finding it entered among the other contracts of that date witnessed by him, the examinant said, he believed it was torn or cut out, but by whom or at what time this was done, he could not remember.

Whereupon he was directed to declare what he knew or had heard relating to this matter; and he informed your Committee, That Mr. Allen and himself went to Mr. Smith, to know of him the particulars of his contract being cut out, and at what time it was done. Mr. Smith told them, he believed it was done upon his application to the board of commissioners, when he made it appear to them, that they had a better estate or interest left in them, than what they had sold to him; and therefore he had got an order for a new contract, the draught of which Smith (upon the examinant's asking him) said, he believed was made out by the late Mr. Moor, who was then master of the references: The examinant then asking Smith, who tore out the first contract; his answer was, He did not see it torn out, nor did he know who did it, but he believed it was done the 30th of July; the examinant said, Mr. Smith did not mention the names of the commissioners present the day this order was made; but upon Allen's asking him, from whom he had this intelligence of the additional estate, Smith answered, From Mr. Moor.

Mr. Allen in his examination confirmed what Mr. Harris said in relation to that which Smith told Harris and him, and added likewise, that Smith said, the new contract was made for the same consideration as the former.

Mr. Turbill also in his examination gave information to your Committee, that Mr. Smith had, since this enquiry began, given him the same account in relation to the vacating his first contract, and that Smith told him, that upon his application to the commissioners, another contract was made about 20 days after, but dated as on the 11th of July.

And Mr. Turbill in another part of his examination said, That some time after the death of Mr. Radcliffe, son to the late earl of Derwentwater, the examinant then being in the country, Mr. Smith wrote him a letter, acquainting him, that now Mr. Radcliffe was dead, they should want copies of several claims and decrees.

Hereupon, Mr. Turbill was asked, if he knew what Mr. Smith meant when he made use of the word 'They;' and he answered, he supposed he meant other persons that were linked with him in the purchase.

The examinant being asked, if he knew who those persons were; he said, he had often heard Mr. Smith say, that Mr. John Bond, sir Joseph Eyles, and Mr. White (the purchaser of Mr. Radcliffe's annuity) were concerned in the purchase of the said late earl's land estate; and the examinant said, he remembered, Mr. Smith told him, that on the 11th of July, the day of the sale of this estate, he, the said Smith, upon seeing the printed particular of the estate hang up in the office, asked one or more of the persons abovenamed, if they would be concerned in a lottery; and the examinant thought he mentioned White; that since this enquiry the examinant has also heard Smith say, That he and White were jointly concerned in the purchase of the annuity; but he did not mention, whether they were concerned at the time of the purchase, or since.

Your Committee also examined Mr. Allen

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and Mr. Turbill, whether notice had been given of Mr. Radcliff's annuity being put up to sale, after that Mr. Hackett went off from his bargain, as mentioned before.

And Mr. Allen said, that he believed no notice was given of a second sale of the said annuity, nor did he remember that he ever had any orders for such notice.

Mr. Turbill said likewise, that he never had any orders for notice of that sale himself, nor knew of any given to others; neither had he any notes of bidding at such second sale.

By the Minute Book of the proceedings of the said commissioners, and by the Book of Contracts, it appeared to your Committee, that several contracts for sales bear date respectively on the days on which the names of two of the commissioners only are entered as present, in the minutes of those days proceedings.

And Mr. Allen being examined, whether any estates had been sold, when four commissioners were not present;

He said, that on the 30th of July, the impropriate tythes of Bucklebury, the estate of the late lord Bolingbroke, was sold to one Samuel Child for 2,025*l.* and Mr. White's contract for Mr. Radcliffe's annuity was executed and witnessed by him, when only two commissioners, Mr. Serjeant Birch and Mr. Bond, were present; and had there been any sale that day, the examinant should have known it, being present all that day, and the minutes of his writing; and if any other commissioners had been present, he should have entered their names in the minutes; for he believed he never forgot at any time to enter therein the names of the commissioners that were present.

Mr. Harris likewise said in his examination, That he happening to come into the board room the said 30th of July upon business, Mr. Serjeant Birch and Mr. Bond were there, and he does not remember that on that day any other commissioners were present.

Then Mr. Allen was asked by your Committee, whether to supply the defect of a sufficient number of commissioners at the board, such commissioners as were absent, have not afterwards set their names to papers or instruments, or ordered others to do it for them: And

He answered, That he had set sir John Eyles's name to contracts, as if he had been present; and that he had a general direction from sir John Eyles and sir Thomas Hales, to set their names to warrants, precepts, contracts, or any thing done at the board; that they knew he did it, and approved of it; otherwise he should not have ventured to have done it; and he said, he had those orders soon after he officiated as secretary; but he had no such orders from any of the other commissioners, nor did he know of any such orders given to others.

Mr. Chocke laid before your Committee, pursuant to their order, two original precepts from the said commissioners, the one dated the 11th of July, 1723, and directed to Wm. Smith, esq. to pay into the exchequer, 1,000*l.* for the purchase of part of lord Derwentwater's estate, and the other dated the 30th of the same month, and directed to Matthew White, esq. to pay likewise 1,201*l.* 1*s.* 0*d.* for the purchase of Mr. Radcliffe's annuity payable thereout: Both which precepts were sealed, and are signed with the names of Dennis Bond, John Birch, John Eyles and Thomas Hales.

Upon notice being taken by your Committee of some words, or memorandum wrote on the precept dated the 11th of July;

Mr. Chocke said, That a person came to pay money, pursuant to that precept, on the 29th of the same July, but went back and came again, and paid it in on the 31st.

Mr. Allen was afterwards called in, and being shewed the said precepts, and examined, he said at first, That he wrote the names of sir John Eyles and sir Tho. Hales to both of them; afterwards he owned himself mistaken as to sir John Eyles's name being signed by the examinant to that of the 11th of July; but said, he signed sir Thomas Hales's name to it; and both their names to that of the 30th.

Being asked where he signed them, he said in the board room, when only Mr. Serjeant Birch and Mr. Bond were present; that they never made any objection to his signing, but upon several occasions have called upon him to do it.

He was then asked, if sir Thomas Hales never left orders for the examinant to sign, after he has been gone; and he answered, he believed he had several times; but whether sir Thomas Hales was present that day, or not, he could not tell.

Being asked, whether he had not entered the names of Commissioners in the Minute Book, as present, though they were absent; and being shewn the Minute of the 11th of July, 1723, where the names of four Commissioners are entered, as present, viz. Mr. Serjeant Birch, Mr. Bond, sir John Eyles, and sir Thomas Hales; he said, he believed he entered the names of sir John Eyles, and sir Thomas Hales, as present, though absent, to tally with their names, which he had put to the warrants or contracts of the day.

Then he was shewn the Minute of the 30th of the same July, where the names of Mr. Serjeant Birch and Mr. Bond only are entered, as present, and being asked, why he did not then enter the names of sir John Eyles, and sir Thomas Hales, he said, he could not recollect the reason of that particular.

He was then examined, upon what occasion sir John Eyles, and sir Thomas Hales, gave him orders to sign their names, when absent; and he answered, it was for want of a sufficient number of Commissioners present at the board to dispatch business; but when any business of consequence was to be transacted, sir John Eyles has been sent for, and has often attended upon such notice; and at other times the examinant has waited on him at his house, with contracts for him to sign.

Being further examined, he said, That he never extended this power to any deeds of con-

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veyance, or to any thing, but what he then apprehended to be matters of form; and that, when this power was given him, the limitation was to matters of form.

He was thereupon asked, What he apprehended to be matters of form; and his answer was, a great many things; such as orders for persons to attend to give their testimony; for persons to appear, and give in their claims; and precepts for paying money into the exchequer; and what the act directed to be signed by four of the Commissioners, he then did take to be matters of form; but he could not say, he took the attendance of four of the Commissioners, as required by the act, to be a matter of form.

Being asked, whether he thought contracts for sales of estates were matters of form, he said, he did at that time take them to be so: and said, that the Commissioners signed and sealed the contracts they gave to the purchaser (when demanded) at the same time that the purchaser signed his, but the same was not sealed or delivered in the manner that deeds are, when executed; and that which the purchaser signed, was always witnessed; and that he looked upon these contracts to bind the Commissioners to execute the bargains of sale to the purchaser, according as the act directs.

Upon which he was asked, if he ever put his hand and seal to any of those contracts; he said, he had signed the names of sir John Eyles and sir Thomas Hales to contracts, and sealed them with a seal that was in the office, but that he never had sir John Eyles's or sir Thomas Hales's seal; and he never remembered any contracts to be signed out of the board room, either by the Commissioners or purchasers.

Being asked, whether Smith and White, at the time their contracts were signed, made any objection to there being but two Commissioners present, or to his signing thereto the names of sir John Eyles and sir Thomas Hales, he answered, they made no objection, nor could he say, they saw him sign, any otherwise than as they were at the board the time the examinant signed them.

Mr. Harris (as being witness to all the contracts dated the 11th of July) was asked, whether Mr. Smith made any objection to Mr. Allen's signing sir Thomas Hales's name to his contract made the 11th; and he said, he remembered no objection made by Smith.

But in another part of his Examination, he informed your Committee, that having occasion to go into the board room on the 30th of July, he saw Mr. Allen sign sir John Eyles's name to Smith's contract made that day, and dated the 11th; and he more particularly remembers this, because it is the last contract entered in the book.

Mr. William Marwood, being examined in the most solemn manner, said, he was formerly clerk to the master of the references; and to the best of his remembrance he attended at the sale of the late lord Derwentwater's estate on the 11th of July, and carried in the notes of bidding at that sale, when Mr. Smith was then declared the best bidder.

Being asked, who were the Commissioners then present, he answered there were four, but could not name any besides Mr. Serjeant Birch, who was then in the chair; and that he never saw a sale without four.

He was asked several times, if he could be positive there were four present on the 11th of July; and he said, he could not be positive, but on the best of his remembrance and belief, he thought, there were four present.

Your Committee observing, that in the printed particular of the lord Derwentwater's estate, the value is there computed to be 5,013*l.* per annum, and the timber valued at 4,500*l.* they examined in the most solemn manner,

Mr. Henry Rodbourne; who said, that about three years ago he was upon the estate; that the same is improveable; and there are several lead mines upon it; and that he computed the value of the estate, with the profits of the mines, which are worked, to be about 6,300*l.* or 6,400*l.* per annum, and the estate is increased since the time of sale about 2, 3 or 400*l.* per annum. He also said, that since the late earl's death, his son had only a power to grant leases during the term of his minority, and for that reason the mines have been neglected; but if the said estate and mines were to be let out upon leases for the term of 21 and 31 years, the whole might, according to his judgment, be made worth about 9,000*l.* per annum.

Mr. Joseph Studeley, being examined in the most solemn manner, said, That he was present the 11th of July, 1723, when the late lord Derwentwater's estate was put up to sale at 2,000*l.* that the examinant came to bid for it at the desire of one Mr. Penson, but no person bidding for it, while he stayed, and other estates being set up to sale before he came away, he thought it would not be sold that day, and therefore he went and told Mr. Penson (who waited for him) that he believed the estate would not be sold that day, and had the examinant thought it would, he should have stayed, for he came on purpose to bid for it by Mr. Penson's orders, but was not to bid, untill others had bid before; and further said, that when an estate had been set up, and nobody bid, it was usual to put it up at a lower price the same day.

Being asked, what one Tooke had told him in relation to this affair; he answered, that about a week after Tooke told him, it was a hustled-up clandestine sale: and Tooke then belonged to the office: whereupon,

Mr. Nicholas Tooke, being examined in the most solemn manner, said, that he did not remember he had any such conversation with Studeley, but had conversed with Studeley several times.

But he said, that he was at the sale of the late lord Derwentwater's estate, and having occasion to speak with sir Thomas Hales, he sent his servant from an outward room into the office, to know if he was there; and he brought him word, that he was not there; but the examinant did not know, whether sir Thomas Hales

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might not come after he went away; for that he stayed not above an hour in the forenoon, but went away before the estate was sold; and when it was first put up, the examinant was not there.

Mr. Smith, the purchaser of this estate, was summoned to attend your Committee; but they did not think it proper to oblige him to be examined: and therefore, upon the question being asked him, whether he was willing to be examined touching the subject matter of their enquiry; the next day he acquainted your Committee, that he hoped, they would not take it amiss, if he declined such examination.

Ordered, That the said Report be taken into consideration to-morrow se'nnight. And that such a number of copies be printed, as shall be sufficient for the use of the Members.

Mr. Denis Bond, Mr. Baron Birch, sir Thomas Hales, sir John Eyles, Mr. John Bond, and sir Joseph Eyles, being named in the said Report; and it appearing to be the sense of the House, that they should promise to attend in their places to-morrow se'nnight; they severally stood up in their places, and declared, that they would attend accordingly.

Ordered, That all the Members of this House, who are in and about the town, do attend the service of the House to-morrow se'nnight; and that no member do presume to go out of town, without leave of the House.

The Bill, 'For securing the Freedom of Parliaments,' read the third time, and thrown out.] March 23. The Bill, 'For the better securing the Freedom of Parliaments, by farther qualifying members to sit in the House of Commons,' was read the third time, and the question being put, that the Bill do pass, it was carried in the negative, by 66 votes against 60. Then a motion was made, That a Committee be appointed to inquire, whether any member of that House did sit in the House contrary to law; but the question being put, it passed in the negative, by 83 votes against 37.

Debate in the Lords on the Bill for reviving the Salt Duty.] March 22. A Bill from the Commons, "For reviving the Duties on Salt for the Term therein mentioned," was read the first time, and a motion being made for a second reading thereof, it was carried in the affirmative, by 40 voices against 25.

March 27. The said Bill was read a second time; and a motion being made for committing the same,

The Earl of *Winchelsea* stood up, and spoke as follows:

My Lords; This House has often, with great honour to itself, and much to the advantage of the nation, opposed and defeated measures which had been first broached in the other House, when it appeared that such measures tended to the ruin and dissolution of both. This is a privilege we are indulged with by our happy constitution, and we never were under a greater necessity of exerting this privilege than we are at present. We never had a more favourable opportunity of shewing a disinterested regard for the true happiness and welfare of the people than we now have. The Bill now before us, though brought in by the representatives of the people, is a Bill the most iniquitous and the most oppressive upon the people of any Bill that ever was brought into either House of Parliament. I cannot, my Lords, but call it a most iniquitous and oppressive Bill, because there is thereby a most heavy burden laid upon the poor, and a most unequal tax upon the subjects of this part of the united kingdoms. There is indeed, by this Bill, a very great favour shewn to the Northern parts of this island. This favour is really a sort of corruption upon the members from that part of the kingdom; and I must say, that if ever corruption was in any case commendable, it is in the present; their approbation of this Bill is engaged by shewing a partiality which they are no way intitled to by the articles of the Union, or by any stipulation since.

I am, my Lords, very far from arguing for, or desiring that this duty should be laid upon the people in that part of the island: Upon the contrary, I shall always be against it to the utmost of my power, because I am persuaded that the people of that part of the island cannot bear to pay so heavy and so grievous a duty: But for that very reason I am against this bill, for I think that no tax ought to be laid on for the current service of the year, but such as the whole nation may be able to contribute a share to: it is raised for the service of the whole, and therefore every part ought to bear its equal share. If things are fairly and impartially considered, I am persuaded it will appear, that the Southern parts of the island are as unable to bear so heavy a burden as the Northern parts are, and I hope there will be in this House an equal regard shewn to all parts of the kingdom. We ought to be ready to do all the favour we can to every part, without shewing a partiality to any. And as Scotland may in some manner be looked on as the wife of England, we ought to be most careful not to allow any minister to debauch her, by shewing any particular favours to that part of the island, or by laying burthens upon others, which those are not to be subjected to.

The Lord *Carteret* spoke next.

My Lords;

I must recommend it to your lordships to consider how this duty upon Salt came to be taken off. It is but two years ago, and therefore your lordships must all remember, that it was upon a most gracious recommendation from the throne. His Majesty, who always considers the good of his subjects in general, recommended to both Houses of Parliament the easing of the poor of this nation. The words made use of by his Majesty on that occasion, are so moving and so compassionate; I have repeated them so often to the gentlemen in the

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country, that I have long had them fixed in my memory: However, upon the present occasion, I turned to them again, and for the more certainty I have taken them down in writing: They were as follows, "You will see by the Accounts that will be laid before you, the state, produce, and application of the Sinking Fund, as far as hath been hitherto directed by act of parliament; and you will not fail to take into consideration the farther disposition of the growing produce: You are the best judges whether the circumstances of the Sinking Fund and of the National Debt, will as yet admit of giving any ease where the duties are most grievous. I have the greatest regard for the Sinking Fund, and I look with compassion upon the hardships of the poor artificers and manufacturers. I leave it to your determination, what may reasonably, and with due caution, be done upon this critical consideration."*

These, my Lords, were the words of his Majesty's most gracious Speech from the throne but two years ago. From these it appears that his Majesty looks upon the poor artificers and manufacturers of this nation, as the greatest objects of pity and compassion, and as the first that ought to be relieved. Then it was judged by both Houses of Parliament, that no tax was so grievous, no tax lay so heavy upon them as this tax upon Salt, and therefore it was taken off. Though the duties then raised upon salt stood engaged for the payment of some of the public debts, yet so unanimous was the voice of king, parliament, and people at that time against this tax, that nothing could be a bar to the taking it off; even the creditors of the public voluntarily gave up their security, in order to second his Majesty's good intentions, and to get the nation set free from such a heavy burthen. But what are we now going about? We are now going to defeat and disappoint his Majesty's most gracious intentions for the relief of the most distressed part of his subjects, before they have tasted any thing of the benefit that was designed them by both Houses of Parliament, in pursuance of his Majesty's recommendation from the throne. For my own part, I always looked upon the abolishing of the Salt-tax as the pure effect of his Majesty's love and affection for his people; I always considered it as such, and in all the countries where I have been since that time, have made so much use of it as an argument for proving how much his Majesty has the good of his people at heart, that if I had no other reason to be against this bill, I must be against it out of respect to his Majesty, and for supporting that argument which I have so often made use of, in favour of our present happy establishment.

I have many reasons, my Lords, for being against this grievous, this pernicious, this insupportable tax, some of which I shall beg leave to lay before your lordships. In the first place, it is a most grievous and a most unequal tax upon the poor labourers, the tradesmen and the manufacturers. Those very people who, but two years ago, were recommended to us by his Majesty as the greatest objects of pity, are, by this tax, to be the most heavily loaded. The poorer a man is, the more salt provisions is he obliged to consume, and consequently the more he will be obliged to pay towards this tax; such is the cruelty thereof, that the most wretched are thereby the most heavily loaded; such the injustice, that the more a man has, the less is he obliged to pay towards the public expence: the rich generally live upon fresh provisions, but a poor man must live upon salt meat, or he must eat no meat at all. By such methods we shall soon banish all the artificers and manufacturers out of the kingdom. We know how ready some of our neighbours are to receive them, and to give them all possible encouragement. We know how much they are already loaded with taxes in this country. They can have none of the comforts of life, without paying much dearer for them, than in any other country; and now we are going to take from them, or at least to make them pay severely for the very necessaries of life, for that without which they cannot subsist. How can we expect to preserve either our trade or our manufactures, if we are once deserted by that useful body of people the artificers and the manufacturers? and how can we expect to keep them in our country, if we go on thus every year loading them with taxes, while our neighbours are declaring them free from all imposts and duties, and doing all that is in their power to intice them away from us?

At the same time that this tax is an intolerable load upon our trade, and an insupportable burthen upon our poor, it will bring no ease, it will bring no relief to the landed gentlemen, but must really at last prove to be the ruin and destruction of the landed interest. It is not, my lords, the land taxes which the landed gentlemen have paid, that have brought them into so many difficulties, but it is the many excises which they have been subject to, that has ruined their lands as well as themselves. It is a certain maxim, that the more taxes are laid upon the home produce, the cheaper it must always be sold by the producer, and the dearer it will always cost the consumer: the dealers between the producer and the consumer are the only persons who get any thing by the laying on of duties and excises. We know that there never was a duty laid upon any produce, either foreign or domestic, but what raised the price to the consumer more in proportion than what the duty amounted to; and at the same time the dealer or retailer made use of that duty, as a good argument for running down the price he was to pay to the producer or importer. It is by this our landed gentlemen, as well as their estates, have been undone. The many excises and duties now raised in this nation, eat up the yearly income of the gentleman's estate, and the farmers being obliged to sell the produce of their lands at a cheap rate, and to pay dear for all those necessaries which they do not nor can

* See p. 766.

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produce, they cannot therefore be able to pay so high a rent as formerly to the landlord. Thus the landed gentleman is doubly undone; for while his income is eat up by the excises he pays for what is made use of in his own family, his rents are diminished, or his tenants are broke, by the excises paid by them.

A gentleman of 100*l.* a year, whose estate as to the land tax is computed at the full value, pays 20*l.* a year out of it, when the land tax is at 4*s.* in the pound; that, it is true, reduces his estate to 80*l.* a year; but that is only for one year, he may be free of the land tax the next year, and then his 100*l.* comes whole and entire to him. But if by raising excises and duties in place of that 4*s.* in the pound land tax, you make the supporting of his family 20*l.* a year dearer to him than it was before, is not that 20*l.* taken from his estate? can he then live better for his 100*l.* than he could have done before for his 80*l.* a year? he is therefore no gainer by this ease as to the land tax. But mark the consequence; these duties and excises fall heavy upon his tenants as well as upon him; the supporting of their families comes now to be dearer to them than it was before, and therefore the rents must have been before so low that the landlord might have raised them, or it will now be impossible for the tenants to continue paying the same rents they formerly did; so that very probably the yearly rents of his estate may be reduced to 80*l.* a year, out of which if you deduct the 20*l.* a year he is obliged to pay as an additional expence for the support of his own family, there will remain to him but 60*l.* a year; and his estate as to the land tax being still valued at 100*l.* a year, if you are obliged in two or three years after to lay on again the land tax of 4*s.* in the pound, this gentleman must pay 20*l.* a year out of the 60*l.* his estate was reduced to; and thus by pretending to give him an ease as to the land tax for one year, you at last reduce his estate to less than one half of the real value; it is now but just one half of what he had formerly to spend yearly, when he paid a land tax of 4*s.* in the pound. This has in many cases been the consequence of laying duties and excises in place of land taxes; and the more frequently this destructive measure is pursued, the more general will this consequence be. Tenants must live and support their families out of the produce of their farms; they must pay the duties and excises of those things that are absolutely necessary for the support of their families, or for the manuring of their farms; the deficiency (if any be) must always fall upon the landlord. Those tenants that were at a low rent have perhaps hitherto supported it, and paid their rents, notwithstanding the many duties and excises they have been obliged to pay; but it is still a loss to the landlord, because if it had not been for those duties and excises paid by the tenant, the landlord might have raised his rents much more than any land tax that ever was laid on in this kingdom would have amounted to.

There is no nation in the world that has more occasion than we have at present to raise money in the most frugal way, and in that way which is the least expensive to the people. We know, my lords, by sad experience, what a vast difference there is between the gross and the net produce of this duty upon salt: It never produced above 180,000*l.* per annum, and by the most modest computation, there is above twice that sum yearly raised upon the people of England only, by the means of this tax: Every man knows, that the yearly expence of raising it is at least 25,000*l.* this for three years amounts to 75,000*l.* and if to this we add the interest that must be paid upon borrowing the money, the whole will amount to 100,000*l.* which is the sum the nation must pay by way of charges, for the raising this 500,000*l.* that is wanted for the current service of the year. This is a fact that cannot be contested by the greatest favourer of this extraordinary scheme; I do not doubt but that it will cost the nation a great deal more; but I make this calculation from what must be allowed even by those who are the most sanguine promoters thereof. Can any man then say, that this is a frugal way of raising money? How hard will it be to make the people pay such an extravagant charge, especially now, when there is no necessity for it? By this Bill we are again put into that destructive method of funding and anticipating of taxes, which is a method that never ought to be followed but in cases of the utmost necessity. During the last war our necessity was our excuse: but now we have no necessity to plead; it is meer *gayeté de cœur*: Can that ever be allowed of as an excuse for our entailing heavy and pernicious taxes upon our posterity?

As to that part of the kingdom called North Britain, there is indeed a partiality shewn: but even this partiality is no real favour, any otherwise than only as being a less injury: The laying on of this tax in place of the shilling in the pound land-tax, is doing a very great injury to the whole kingdom; and all the favour that can be pretended to be shewn to the northern parts, is, that the injury is not so great with respect to them, as it is with respect to the southern parts of Britain. When an injury is offered openly and avowedly, one knows how to resent it; if we cannot resent it, there is at least some satisfaction in complaining; but to hear a real injury called a favour, is what no man can bear; it is a contempt that will rouze the most patient people upon earth. It is well known, my lords, that the sum raised in Scotland by a land-tax, proportionable to a shilling in the pound in England, never amounted to above 12,000*l.* in a year; this was the whole that was ever raised upon the people of Scotland by such a tax, either towards the tax itself, or towards the charge of raising the same; but when this tax even of one shilling upon the bushel of salt was subsisting, it appeared that the net produce thereof in Scotland amounted to 4,000*l.* per annum, and the charge of raising it amounted to above

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4,000*l.* per annum more; from hence it is evident, that by the means of this duty of one shilling upon the bushel of salt, there will be above 8,000*l.* raised yearly upon the people of Scotland. And as this duty is to be laid on for three years, in lieu of a shilling in the pound land-tax for only one year, is it not as clear as figures can make it, that the people of Scotland are to pay above 24,000*l.* in place of the 12,000*l.* which they must have paid towards the land-tax? This, my lords, is the mighty favour that is pretended to be done to the people of that country: Whoever thinks that they will look upon this as a favour, must know very little of the good sense and sagacity of the people in that part of the island.

This duty is now proposed to be laid on for three years only, but we know how difficult it is to get free of a tax that has been once established: And as this duty may create a fund for a ministry, upon which they may borrow no less a sum than 600,000*l.* I can easily foresee that at the expiration of this term of three years, some scheme or another may be set on foot for continuing it during a much longer term: In case of any such scheme's being to be set up, I can see that even by the Bill now before us, there is the foundation laid of a prevailing argument for bringing the members from the northern part of the island into the scheme. We know, my lords, that there are bounties paid upon the exportation of fish; we know that those bounties upon the exportation of fish from Scotland only, amount generally to about 7,000*l.* per annum: This sum was paid out of the first and readiest of the customs and excise in Scotland; but in case this Bill passes into a law, all such bounties are to be paid only out of the produce of the salt-duty raised within the united kingdoms; therefore at the end of this term of three years, we must either make a new law for establishing a new fund for the payment of those bounties, or the bounties must entirely cease and determine with the expiration of this law: It will then be pretended that no such fund can be established; it will then be said that you must either agree to the continuing of the duty upon salt, or your country must entirely lose the benefit of having any bounties upon the exportation of their fish: by which your fishery will be undone, and your country must lose a much greater sum yearly, than what they are obliged to pay by means of the duty upon salt. This, my Lords, will be a bait for the members from North Britain; with them it will for ever be an argument for the continuance of this duty upon salt.

We have already a prodigious number of officers employed in the collecting of our revenues; the reviving of this duty upon salt will very much encrease the number; we know that all these officers depend entirely upon the crown: every one of them may be suspended or dismissed at the pleasure of the crown; if any of them should refuse to do whatever is commanded, such an officer may be turned out, and a new one put in his room. We know what an influence these offices may have upon the elections of members of Parliament in every county, city and borough in England. If any future administration should be wicked enough to give them instructions how they are to behave, and for whom they are to use their interest; by such means the crown may have it in its power to get such members returned as are agreeable to the favourites about court, Where then will be our liberties? Where shall an injured people seek for redress? The people will then be in the same condition in which they now are in Turkey; their only resource will be in mobs and tumults, and the prevailing party will administer justice by general massacres and proscriptions. I did appear against a standing army, but I never was so much afraid of the consequences of a standing army, as I am of the consequences of a House of Parliament's depending entirely upon the crown. Of all arbitrary governments, that founded upon base corruption is the worst: in such circumstances we might perhaps preserve the external forms of our constitution, but such a base dependence would eat out the very vitals of our constitution, and leave us nothing remaining but a melancholy, dismal, putrified, useless carcass; a mere shew of a constitution, without any life, without any spirit, without any power to protect the people from domestic oppression, or from foreign invasion.

The people of this nation are already subjected to so many penalties and forfeitures, that few merchants or dealers know when they are safe. But by this Bill they are to be subjected to a great many new penalties and forfeitures; and what is still worse, these penalties and forfeitures are not to be sued for in the common way: as to them, the subject is not to be tried in the usual way, by God and his country, but in a new and extraordinary way, by commissioners and officers who are appointed by the crown, and removeable at the pleasure of the crown: the crown is to be plaintiff or prosecutor, and a man depending upon the crown, perhaps for his daily bread, is to be the judge. I have always observed, and I believe it will soon appear still more plain, that when things have been turned out of the ordinary course of law, when any extraordinary method of proceeding before commissioners has been introduced, extraordinary iniquities have been committed; some are discovered, but most of them are sunk into oblivion by the weight of power.

This way of multiplying and continuing of taxes, and contriving new and extraordinary methods for levying them, has always been followed by those ministers, who were for establishing arbitrary power. The famous Cardinal Richlieu knew well the effects of such a measure; he knew what sums of money were thereby brought in, and what dependencies were thereby created. By the means of such taxes, the estates of the quality and gentry of France were ruined and undone, so that at the

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same time that the taxes put it in the power of the crown to give, they reduced the quality and gentry of the kingdom under a necessity to receive; all sorts of provisions were by the taxes rendered so dear, and the tenants of their estates were so much impoverished, that it became impossible for most of them to support and provide for their families out of the rents of their estates, whereby they were obliged to sue to the court for some post or pension, and in order to obtain what they wanted, they were glad to do whatever the Court commanded. These were the domestic measures of Cardinal Richelieu, and by these the liberties of France were lost. As for his foreign measures, I wish we had it in our power to follow them: but in this kingdom I hope no minister will ever pretend to follow his domestic measures; I am sure, that whoever does, will never have it in his power to follow his measures as to foreign affairs; for the liberties of England are established upon too firm a basis, to be overturned by the attempts of any one man in his own life-time; but if we do not take care, one man may give them such a shock, as may make it an easy work for his successors: and no measure is less liable to fail of success, than that of increasing by little and little the power of the crown, by augmenting daily the number of its dependents, and adding to the necessities of the noblemen and gentlemen of the kingdom, by squeezing heavy taxes from them for every thing made use of in their families: for when liberty appears in poverty and distress, and slavery appears in fine trappings and great plenty, I am afraid there will be found but few, whose virtue can stand the test of such a severe trial.

There are no taxes more apt to raise tumults and insurrections among the people, than those that are laid upon the poor. This very tax which we are now about to revive, produced two or three insurrections in France, before the people of that country could be brought to submit to it; and yet it cannot be said, that the tax upon salt in that country is much more grievous than this that we are now going to lay upon the people of this nation. We know that a tax of much less consequence than this occasioned the present rebellion in Corsica, by which the people of that island are like to change masters, and even the disturbances in that little island may chance to involve all Europe in new troubles. Though the people of this nation submitted peaceably and quietly for so many years to this grievous tax, yet we are not from thence to presume, that they will always submit peaceably and quietly thereto. When it was first laid on, the people were fully sensible of the necessity that there was for laying it on at that time; but now when it is to be laid on without any necessity, when the poor are thus to be heavily loaded for no other reason or pretence, but that of relieving a few of the rich, can it be presumed, that they will as easily submit to the payment of it as they did heretofore? They have long submitted to bear heavy burthens, and they certainly will bear as long as they can; but after a horse has got his full burthen, the very key of the stable may chance to break his back. Why should we run such a risk in a time of profound tranquillity? The patience of the people with respect to taxes and excises, cannot be now so great as it was in time of a dangerous and expensive foreign war; it may now be easily overstretched, and therefore we ought not to try experiments upon it, when there is not really any occasion.

The Duke of *Newcastle* spoke next:

My Lords,

It is very true, that his Majesty in a most gracious Speech from the throne, recommended to us the easing of the people of some of those burthens which lay heaviest upon them, and in pursuance of these his Majesty's most gracious intentions, this tax upon salt was proposed, and was agreed to be taken off, as the tax which at that time was thought to lie heaviest upon the people: but by that very step, my lords, by the abolishing of this tax, we have learned that it never did, nor ever can lie heavy upon the people. The share that was contributed towards it by each particular man, was so small, that no man was sensible of what he paid whilst it was subsisting, nor was he sensible of any relief by its being taken off: therefore that his Majesty's intentions might be fully answered, that a real ease might be given to those who have for many years been most heavily oppressed, was this Bill brought in and passed in the other House. We all know that the landed interest hath been for many years loaded with most insupportable land taxes; we know that they have severely felt the weight that was laid upon them, and therefore they must be immediately sensible of the relief that is proposed to be given to them by this Bill.

This Tax upon Salt is in its own nature so equal, that every man, every person in the nation is thereby obliged to contribute to the public expence, according to the benefit he receives: There are such a vast multitude of people thereby obliged to contribute to the public charge, that no man is sensible of what he pays, no man feels the weight that is laid upon him; and for that very reason the people contributed thereunto for many years most willingly, and most chearfully; it never did, nor can it ever occasion the least grumbling, or the least complaint: whereas by the land tax, there are but a very few persons in the nation, who are obliged to contribute to the public expence, and thereby it falls most grievously upon those that are obliged to pay towards it; a very large sum may be raised upon a great number of people, when every man contributes his equal and his just proportion, without any one man's being sensible of what he is obliged to pay; but when such a sum is to be raised upon a few of that number, every man that is obliged to pay, not only feels the weight of the burthen that is laid upon him, but really

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finds it altogether insupportable; and he has the more reason to complain, because he finds himself obliged to bear singly that burthen, which ought in justice to be laid upon a great many. The land-tax being then the most unequal tax of any that are levied upon the people of this nation, and the tax upon Salt being the most equal and the least burthensome, I must be of opinion, that if we have any respect for his Majesty's most gracious recommendation from the throne, if we have any regard for that justice and equality which ought to be observed in imposing of taxes, we must agree to the Bill now before us.

The Lord *Bathurst* spoke as follows:

My Lords; I must take notice, that it is a little irregular to make so much mention of his Majesty's Speech from the throne; but since the noble lords who have spoke, have been pleased to mention it, I shall likewise take the same liberty, and make this one remark upon it, That his Majesty in that speech recommends the easing of the poor artificers and manufacturers: These are the only people mentioned therein, and therefore I must be of opinion, that his Majesty then thought that they were the most heavily loaded, and the first that ought to be relieved: This is not only my opinion, but it seems it was then the opinion of both Houses of Parliament, and of every member of each House; for though several taxes were proposed to be taken off, yet there was not one man in either House that proposed, or mentioned the taking off any tax, but such a one as he thought was burthensome upon that set of people; and at last the taking off of this tax upon salt was agreed to, as being the tax that lay most heavy upon the poor of this kingdom. But what we are now about? What are we by this Bill to do? We are to lay a load upon those very people, whose case was so compassionately recommended to us by his Majesty: We are to lay again the very same load upon them, which was then deemed, by both Houses of Parliament, to be the most heavy and the most grievous load that lay upon the poor artificers and manufacturers of this nation; and in order to what? in order to relieve only the rich landed gentlemen of the nation: Even as to them, I think it has been clearly demonstrated, that at last it will prove to be no relief, but a very great disadvantage; and it is evident at first view, that the landed gentlemen of small, or even of moderate fortunes, cannot by this Bill meet with any relief; because they will be obliged to pay more towards the duty upon salt, than they save by being free from a shilling in the pound land-tax.

I shall easily agree with the noble lord who spoke last, that when a sum of money is to be paid but by a few, the payments fall much more heavily upon each particular man, than they would do, if the same sum, or even a larger sum, were to be paid by a great many; but when the sum is increased in proportion to the number and circumstances of the persons that are to contribute thereto, the payments will fall as heavily upon each particular man, as they formerly did. This, my lords, I shall beg leave to illustrate by an example or two; and the case being the same with respect to large sums, as with respect to small, I shall therefore make use of small sums only, in order that the calculations may be easily made. Suppose then that six pounds were to be paid by six persons of equal circumstances, this would amount to but 20*s.* a-piece, and not be so grievous upon them, as if three only of the six persons were to pay the same sum, because to the three the payments would amount to 40*s.* a-piece; but if, in place of laying this six pounds upon the three persons, we were to lay twelve pounds upon the whole six persons, would not the payment be then as grievous upon every one of the six persons, as they were before upon every one of the three? Because in this case, every man of the six would be obliged to pay 40*s.* which is just as much as every one of three only was formerly obliged to pay: I hope in this case it will not be said, that any one man in the six meets with any relief, unless it be that of seeing his neighbour as wretched as himself. Suppose again, that six pounds is to be paid by six men, worth about 12 pounds a-piece, we know that this would amount to 20*s.* a-piece, which is a twelfth part of their whole estate: These payments may perhaps seem to be grievous upon these six men, and therefore, in order to ease them, we find out 10 other men who are worth six pounds a-piece, and 240 men who are worth 1*s.* a-piece, and we resolve to make this great number of 256 men pay among them 12 pounds, each man according to his estate; in this case there are 240 men that must pay but a penny a-piece, this amounts to but 20*s.* of the 12 pounds; there are other ten men who must pay but 10*s.* a-piece, this amounts to but five pounds of the 12 pounds, and therefore the six men worth 12 pounds a-piece, must still pay 20*s.* a man: So that the payments fall as grievously upon them as they did before, and are equally grievous upon every one of the other 150; for it is as grievous for a man that is worth but a shilling, to pay a penny, or for a man that is worth but six pounds, to pay 10*s.*, as it is upon a man worth 12 pounds to pay 20*s.*: In this case I am sure, that no man will pretend that any relief is granted to any one of the six men, and, I am afraid, this last case will be found to be too just a parallel to the case of laying on a salt-duty, instead of a shilling in the pound land-tax, which is the case now before us. The case I have put has in this the advantage, that therein an exact proportion is observed; but in the case before us, our rich landed gentlemen will meet with some present ease, for which the gentlemen of small fortunes, and the poor artificers and manufacturers must pay double what they ought to pay, if an exact proportion were to be observed.

This tax upon salt, is, my lords, so far from being a just and equal tax, that it is the most

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unjust, and the most oppressive tax that ever was set on foot in this nation. To the public expence every man ought to pay according to the benefit he receives. In all cases it is hard, it is cruel to tax the poor journeymen and day-labourers, because it is not to be presumed that they can get any thing more than bare subsistence by their daily labour; the profits that may be made, go all to the benefit of the master who employs them. He it is that has the whole benefit of their labour, and therefore he ought to pay the taxes. Any scheme for taxing of them, is not only cruel, but it is impracticable, because if, by such taxes we enhance the price of the very necessaries of life, they cannot possibly subsist upon the same wages they subsisted on formerly; they must starve, or otherwise their wages must be raised, and thus, at last, the master that employs them must pay the taxes that are laid upon the poor he employs. This, my lords, is a certain consequence, and this is a consequence that, I am afraid, has been severely felt by the merchants and master tradesmen of this nation. But this tax upon salt has something in it more cruel, and more unjust than any other; because the poor are thereby obliged to contribute more in proportion than the rich: We all know that there is but a small number of the poor of this nation that live in the families of the rich, most of them live upon daily wages, and in little cottages of their own; the chief part of their food is salt meat, and salt fish, and therefore we must conclude that the poorer a man is, the more he is obliged to contribute to the public expence, by the means of this duty upon salt, in so far at least as relates to his own personal consumption.

The Earl of *Ilay* then stood up and spoke to the effect as follows:

My Lords,

I have heard a great many hard names given to the bill now before us; but I am still convinced that it does not deserve any one of those hard names by which it has been distinguished; upon the contrary, it will, I believe, appear to every man that examines narrowly into the truth of facts, that this bill is as good a bill as ever was brought into this House. As to his Majesty's speech, it is certainly a little irregular to take so much notice of it in this House; but all that his Majesty meant by that speech, was no more, than that his subjects should be eased as soon and as much as possible, and that those who were most oppressed, should be the first to be relieved; he certainly did not mean to confine his parliament to the relieving of the artificers and manufacturers, without regard to any of the rest of the people; he did not mean to confine us to any particular set of people: His Majesty understands too well our constitution, and has too great a regard for the preservation thereof, to offer in such a case to lay any restraint upon his parliament. He, out of that love and affection which he has always shewn for his people, recommended the relieving of those who were the most heavily loaded; but he left it entirely to his parliament to consider, and to determine who were the greatest objects of compassion, what sort of people ought to be the first to be relieved; and if we consider the case of many a poor landed gentleman in this island, I believe it will easily appear, that they are the greatest objects of compassion, and are the first that ought to be relieved. This, I believe, I can easily make appear, but I shall first examine the most material objections I have heard against the tax now proposed to be revived.

I find, my lords, that one of the chief objections against this bill is drawn from hence, that they say it will give a most terrible increase of power to the crown, by the addition of such a number of officers, who are all to be at the disposal of the crown, and must therefore be dependents, nay, downright slaves to the administration. Why really, my lords, if there were any the least ground for raising to ourselves such a frightful spectre, I should be as much against this bill as any lord in this House; but when we examine into the history and circumstances of our country, it will appear plain, that we have no occasion to put ourselves in such frights, though a much greater number of officers were to be added. We all have read at least of a time, when the crown had much more power than is, by this bill, to be put into their hands; they had once their court of Wards and Liveries, at the same time they had their court of Star-Chamber, and they had besides a great many other powers, which they claimed as prerogatives; your lordships must all know, that almost every one of your estates were at that time under the power, and depended, in a great measure, upon the pleasure of the crown. There were so many powers, privileges, and prerogatives claimed, and most of them actually enjoyed, that there were but few rich landed gentlemen who could aver, that the free and safe enjoyment of their estates did not depend upon the pleasure and good-will of the king. There were few corporations in Britain who could say, that the enjoyment of their charters did not in a great measure, depend upon the good liking of their sovereign. Our kings were then as ambitious, and as fond of arbitrary power, as any future king can possibly be; yet, with all this power, no one of them could ever subvert or destroy the liberties of this nation. So far otherwise, that we found means to make them give up all the illegal and extrordinary powers which they, or their ancestors, had assumed; and, by the happy Revolution, we got the liberties and privileges of the people fully ascertained, and firmly established upon a lasting, I hope, an everlasting foundation, if I may be allowed to say so of any thing that is to endure as long as the world endures.

Even this very tax from which so dreadful effects are now pretended to be apprehended, this very tax, I say, was laid on, and was made

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perpetual in the reign of king William 3, who was the glorious preserver of the liberties of this nation, and of all Europe. We know that during all his reign, the number of officers under the crown was of no service to him with respect to any parliamentary affairs; we know that he met with a strong and a continual opposition in parliament, such an opposition as he was often obliged to give way to, and that even in things where it afterwards appeared plain that he was in the right. Even the method of collecting this duty proposed by the Bill now before us, was first introduced by a ministry who had as much wisdom, and as great a regard for the liberties of their country, as any ministry ever had: they were sensible of the great frauds that were committed under the former method of raising it; and therefore they put it under the management of commissioners and officers particularly appointed for that purpose; and the event answered their expectations, for it then produced twice as much as it had ever done before. Yet that very ministry, notwithstanding all the successes of their administration, notwithstanding their having carried the glory of England as high as it ever was carried, and notwithstanding their having all the officers of the revenue, and of this very duty among the rest, as much at their beck as ever any ministry can be supposed to have; yet that ministry, I say, were not able to preserve themselves in the administration any longer, than the nation had a mind they should be continued; nay, they could scarcely protect themselves against the malice of their inveterate enemies: It plainly appeared, that their only safeguard consisted in the wisdom of their administration, and the unblemished innocence of their behaviour. From hence, my Lords, it must appear, that there is not the least danger to be apprehended from the Bill now before us. Those jealousies and fears that are pretended, are really nothing but mere phantoms, and like the phantoms in Homer and Virgil, they seem to be thrown in, to divert us from doing what we ought.

As most of the other objections against this duty upon salt, are founded upon suppositions that cannot be granted, the answer to them will be very easy. It is supposed, that this duty is grievous upon the poor, and therefore it is said, that it will be a loss to the landed interest, and may occasion tumults and insurrections. Now this supposition cannot be granted; we know the contrary from experience. This duty continued, and was cheerfully paid for above four and thirty years; the people were so little sensible of it, that they hardly knew of any such duty; and when it was taken off, there was not a man in the nation that from thence felt any relief. Upon its being taken off, there were no rents raised, nor were the wages of any servant or workman lowered. Even by those who were at the pains to make calculations of what salt they might consume in a year, it was found, that they had only about a groat or six-pence to spend in a year, more than they had before; and this could not be discovered, but by those who could and did make such nice calculations, and how few there are of such we may easily imagine.

There is another supposition made, that this duty will produce above twice as much as it really does; that above double the sum which comes in to the use of the public, will be raised upon the people. This supposition is founded upon the great difference that there always was, between the gross and nett produce of this duty: But, my lords, it is well known, that many considerable articles were always charged to the gross produce, which never were really produced, nor ever paid by any man in the nation. There were great quantities of salt entered, which was afterwards exported; there were great quantities of salt likewise entered, which was afterwards employed in the curing of fish for exportation: Though the duties upon all such quantities of salt were charged upon the entering thereof, to the gross produce of the salt duty, yet no such duties were ever really produced; they never were paid by any man breathing. Those who entered such salt, gave bond, or were charged on the books as debtors for the duties on such salt; and as soon as they made it appear, that the salt was exported, or that it had been employed in the curing of fish for exportation, their bonds were delivered up, or they were entered upon the books as creditors for as large a sum, as they had been entered debtors for on account of that salt. By deducting all such articles as these from the gross produce, we shall find that there never was a much larger sum really raised upon the people, than that which came nett in to the public revenue; and therefore this supposition, and all the calculations founded thereon, must be wrong.

As to what is said, my lords, in relation to the subjects of North Britain, there never was either a favour or an injury designed to be done to them by this Bill; there never was any partiality intended to be shewn to them: They are, by the articles of the union, to pay no more towards the salt duty, than what is to be charged upon them by the Bill now before us. And this tax is by experience known to be so easy a tax upon the people of that country, that I am persuaded, every man in the country will chuse to be subject to this, rather than to any other tax whatsoever. I do not doubt indeed, but the people of that country, as well as the people of other countries, would chuse to pay no tax, rather than to pay the smallest tax that ever was laid on; and therefore those in that country, who have no land estates, would, without doubt, chuse to have a land tax, rather than a salt tax; it is the same in this country; it will eternally be the same in all countries. But this I am sure can have no weight with any of your lordships.

This leads me naturally to consider the hardships of the land tax, and the distresses of the landed gentlemen; and here indeed, I have good reason to make use of all those hard

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names against the land tax Bill, which have been so plentifully bestowed upon the Bill now before us. We all know what a small proportion the landed gentlemen of this nation bear to the rest of the people; we all know what a number of rich merchants, tradesmen, stockholders, money-lenders, and other sorts of people there are in this nation, who have no land estate, or but a very small land estate, in proportion to their other estates: None of those pay a farthing, or but a mere trifle towards the land tax. I am sure, I do not make a computation too favourable for the landed interest, when I say, that all those that are possessed of any land estate taken together, do not make above a hundredth part of the people of this nation; and yet I may modestly say, there has been raised upon them only for these forty years past, at least one third part of the public expence yearly, taking one year with another. The land taxes that have been raised within these forty years, will, I am convinced, amount to one third part of the whole money that has been raised within that time for the public use. Besides which, the land-holders have contributed their full share to every other tax that has been laid upon the people. How iniquitous, how unjust is this, to make a hundredth part of our people pay by means of one tax which falls upon them only, a third part of the public expence, besides their share of all other taxes? But this is not all; even among the landed gentlemen themselves, how unequal is the land-tax divided? There are some whose estates are rated to the land tax at the full value; they pay a shilling in the pound for every shilling land tax that is laid on; there are others, whose estates are rated to the land tax at about a half only of the real value: they pay but sixpence, when their neighbours pay a shilling; and there are a great many, who pay but a groat, because their lands are rated to the land tax at but one third of the real value. How can this be reconciled to that justice and equality, which ought to be observed as to the imposing of taxes upon the people?

Supposing, my lords, that we could make every man contribute to the public annual charge according to the rents or the profits he has yearly coming in from his estate, or from his trade and business; this, indeed, would be the most equitable way of laying on taxes, if it could be done; but even in this view we shall find, that the landed interest has for these forty years, by means of the land tax only, paid near twice their proportional share. The lands of England were never reckoned to bring in above ten millions a year, according to the rates of the land tax; but because they may be undervalued, we shall reckon that they bring in 20 millions a year: We must however from thence deduct what is paid yearly by the landed gentlemen for the interest of the mortgages upon their estates, for repairs and the like, and what they lose by the bankruptcy of their tenants; it has always been computed, that the mortgages upon the land estates in England amount to 20,000,000*l.* the interest of this sum at 5 per cent. is one million yearly; and allowing that all the other deductions amount to another million, we cannot reckon the income or rents of all the landholders in England to amount to above 18 millions a year. The whole people of this nation at the lowest computation are reckoned to amount to 8 millions; of these there is a hundredth part, that is 80,000, that are landholders, but admitting their number to be 100,000, there must then be 7,900,000 persons in this nation, that have no land estate; and supposing them to spend in a year in victuals, drink, cloaths, diversions and all incident charges, but 12*l.* a year, one with another, which I am sure is the lowest computation that can be made; their yearly expence, and consequently their yearly income, will amount to very near 95 millions, which is above five times the income of the landed interest; and yet we have been so unjust as to make the landed interest pay for above these forty years, a tax which it laid upon them only, and which has amounted to at least a third of the whole public expence, besides their equal share of all other taxes.

This unequal load which has so long been laid upon the landed interest of this kingdom, is the more grievous, because many of our landed estates are heavily loaded with mortgages; for there are many landed gentlemen in this nation, who have the appearance of a great estate, and yet have but a poor residue coming in for the support of their families, after the interest upon their mortgages, and the taxes are all paid: Let us consider, my lords, that by laying an additional shilling upon the land, we perhaps take from many gentlemen in Britain the only support they have left for their poor families. The gentlemen of land estates are generally of old families, their families have perhaps for many years been considerable in the country where they live, they must maintain the character and the dignity of their families, they must provide large fortunes for their children, or they must charge their estates with new mortgages for that purpose. By continuing thus to overcharge them, we shall make them all become dependent upon the crown; this will add a power to the crown that we ought to be much more afraid of, than of adding a few necessary officers for collecting the public revenue. Upon considering these things, my lords, we may easily judge which is the most iniquitous, which is the most dangerous, a high land tax, or this duty upon salt. Whoever considers these things, must soon resolve to agree to the Bill now before us.

Then the question being put for committing the Bill, it was carried in the affirmative, by 40 against 25.

March 29. The order of the day being read for the House to resolve itself into a Committee on the said Salt Bill, the Earl of Shaftesbury presented a Petition from several merchants,

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masters and owners of ships, &c. in the town of Liverpool, setting forth, "That the reviving of the Salt Tax would be a very great prejudice to them in their trade and fishery, and particularly that the importation of herrings from Scotland would be the ruin of that trade among them, by which a great many poor families who then lived by that trade, would be brought upon the parish."

Immediately after the reading of this Petition, the lord Delawar presented a Petition in the name of the mayor, aldermen, and most considerable merchants of the same town of Liverpool, representing, "That they had been informed, that upon the 29th of that month, being Sunday, several persons had privately and clandestinely signed a Petition to be presented to their lordships, against reviving the Salt Duty; but that they were of opinion, that neither the reviving of that duty, nor any clause in the Bill that had been brought in for that purpose, could be prejudicial to them, or to any person in that town, or, as they believed, in any other part in England, and that therefore they would most readily and willingly acquiesce in whatever their lordships should please to do in that affair." Hereupon the first Petition was rejected.

Motion to exempt Salt used in Manure.] Then the Earl of Shaftesbury moved, That it be an instruction to the said Committee, that they do receive a clause to exempt all salt, used for manuring of land, from the duties laid by the said Bill. After debate, the question was put thereupon, and resolved in the negative: not content 74, content 21.

Protest on rejecting the Motion.]

"Dissentient'

"Because it has been found by experience, during the time the duties upon salt were taken off, that great improvements have been made in several parts of the kingdom, by using salt in manuring of land; but by the revival of those duties, without the provision designed by this instruction, there must be a total stop put to all improvements of that nature; and we are convinced that in a few years the lands of England might have been raised, by the use of this manure, more than double what this tax will produce to the government; and we apprehend this to be a very improper time to check the industry of the people, and prevent their domestic improvements, since, we fear, the national wealth is not likely to be increased at this time by any foreign commerce.——

(Signed) Scarsdale, Strafford, Boyle, Winchelsea and Nottingham, Thanet, Ker, Bathurst, Shaftesbury, Northampton, Litchfield, Suffolk, Coventry, Carteret, Abingdon, Bridgewater, Warrington, Tweedale, Gower, Masham, Bristol."

Motion to exempt home-made Salt used for victualling Ships.] After this lord Gower moved, "That it be an Instruction to the said Committee, that they do receive a clause to exempt from the duties laid by the Bill, all home-made salt used in victualling of ships." After debate, the question was put thereon, and it was resolved in the negative, by 75 against 21.

Protest on rejecting it.]

"Dissentient'

1. "Because the duties to be laid by this Bill on all home-made salt used for victualling of ships, increases the expence of the royal navy, and is a heavy burden upon the trade and navigation of the kingdom, and will very sensibly affect the merchants, already under great difficulties by reason of the decay of trade, and the many grievous losses they have sustained, and the hardships they have undergone by depredations, seizures and confiscations, too severely felt by most of the traders of Great Britain, and too publicly known to be doubted of.

2. "Because this duty upon our home-made salt, must occasion many of our merchants to victual their ships abroad, to the diminution of the national wealth, and to the great detriment of the landed interest of this kingdom.——

(Signed,) Strafford, Winchelsea and Nottingham, Tweedale, Suffolk, Bristol, Ker, Abingdon, Scarsdale, Shaftesbury, Boyle, Coventry, Bathurst, Carteret, Thanet, Litchfield, Bridgwater, Gower, Masham, Warrington, Northampton."

Motion for restraining any Officer of the Salt-Duty from being concerned in Elections.] Then the lord Bathurst moved, "That it be an Instruction to the same Committee, that they do receive a clause to restrain any person, during the time he shall be concerned or employed in the charging, collecting, levying or managing any of the duties to be granted by the Bill, from being a returning officer, or voting, or influencing any elector to vote in elections of members to serve in parliament."

After debate, the question was put thereon; and it was resolved in the negative, by 71 against 21.

Protest on refusing a Clause for that Purpose.]

"Dissentient'

1. "Because the officers employed in the customs, in the excise, in other branches of the revenues, and in other parts of the public service, are already vastly numerous; they compose, in effect, a second standing army, and are perhaps, in some respects, more dangerous than that body of men properly so called; the influence which they have in the elections of members to serve in parliament, has been too often felt to have been denied; and we presume, that examples are not hard to find, where the military forces have been withdrawn to create the appearance of a free election, and the standing civil forces of this kind have been sent to take this freedom away. Should we suffer this invasion on the freedom of election

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to continue, much more to increase, it will be easy, in our opinion, to demonstrate, that one vital principle of our present constitution and the freedom of the British government must be lost; since the House of Commons might indeed afterwards be a representative of an administration, or of one single minister, but could no longer be a true representative of the people. We think ourselves obliged therefore to oppose the growth of so great an evil upon every occasion; and we apprehend that every such increase of the officers of the revenue, as this Bill imports, is strictly such an occasion; and therefore we think the instruction should have been agreed to, that we might not add to that evil, which, we conceive, is already too great.

2. "Because, from the very institution of parliaments, (at least from the time when they began to be composed and held, in the manner and for all the purposes they now are,) the principal aim of the enemies of public liberty has been to enable the crown to govern without them, or to corrupt their members, or to destroy the freedom of their elections: From the same time we may date the constant care, which has been taken by the friends of the public liberty, to ward off those several dangers: and the laws which appear in our statute books, for regulating elections of members to serve in parliament, as well as the qualifications of the electors and the elected, are standing monuments, which shew how early those dangers began, and that the opposition to them began as early. The form of our government, as it has been settled since the revolution, leaves no longer room to apprehend the first of the attempts mentioned; the wisdom of this House has seemed, by rejecting the Pension Bill three times successively, to think the laws already in force sufficient to prevent the second: but the third must, in our opinion, be looked upon to be a growing danger, and to require extreme watchfulness against the consequence of it, as long as the many heavy taxes, and the present management of the public revenues, keep up in all parts of the nation such an exorbitant number of receivers, supervisors, collectors, and other tax-gatherers, who are maintained by the people, but are solely directed by the treasury. The state of property and the nature of tenures anciently the real as well as the pretended prerogatives in times more modern, gave to the crown, among other influences, a very great one in the elections of members of parliament. Thanks be to God, and to the virtue of our forefathers, this state of property is altered, and these tenures are abolished; and these prerogatives are either taken away or limited, defined and fixed by law; there will remain therefore no means of destroying the freedom of elections, except those of corruption, which, we hope, may be rendered ineffectual, by the law to which the House consented two sessions ago, to the entire satisfaction of the whole nation; unless the dangers we are apprehensive of should arise by establishing such augmentations of the number of officers employed in the revenue without restrictions to prevent them from being returning officers, or voting, or influencing any elector to vote in future elections.

3. "Because we apprehend that if any such augmentations, without the aforesaid cautions, are suffered to be made, greater danger will arise from this new influence, to the freedom of elections, and by consequence to the constitution of our government, than ever did arise when the prerogative was carried to the utmost height, and the influence of the crown was the most severely felt and complained of; we apprehend that this exorbitant number of officers may, one time or other, effect the destruction of those liberties, for the preservation of which the taxes were given which those officers are employed to collect. We apprehend, that by consenting to the increase of these officers, without restriction, we shall contribute to such an influence, as may prove more fatal to liberty than any of those which were formerly acquired, because it will be the effect of a parliamentary establishment; and will make its way the more surely, by making it indirectly, secretly and silently.——(*Signed,*) Strafford, Warrington, Litchfield, Coventry, Tweedale, Gower, Thanet, Scarsdale, Bristol, Boyle, Masham, Winchelsea and Nottingham, Carteret, Shaftesbury, Bathurst, Suffolk, Bridgwater, Ker, Northampton."

Then it was moved to adjourn, which was carried in the negative, by 71 against 21. After this the Bill was read through, by which time it being six o'clock, the House adjourned to next day.

March 30. The House resolved itself again into a Committee upon the said Bill, when the lord Carteret moved, That the last clause of the act of the 5th and 6th of William and Mary, intituled, 'An Act for granting to their 'Majesties certain rates and duties upon salt, 'and upon beer, ale and other liquors, for se-'curing certain recompences, &c.' might be read; and the same being accordingly read, he moved, "That the opinion of the Judges might be asked, whether or no that clause was revived by the Bill then before them." But it being insisted upon by several lords, that it was not proper to put the question in those terms, because that clause never having been repealed, it was not therefore necessary to revive it by any express clause for that purpose in the Bill then before them; after some debate about the form and method of stating the question, it was agreed to be put to the effect as follows, viz. Whether any member of the House of Commons could, directly or indirectly, be concerned in the farming, collecting, or managing the duties to be revived by the Bill then before them? To which the answer was, That they could not. Then the question being put for reading it a third time, it was carried in the affirmative, by 79 against 26.

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Debate in the Lords on the third Reading of the Salt Bill.] March 31. The Bill being accordingly read a third time,

Lord *Carteret* said, That that being the last opportunity he should probably have of offering any thing against that Bill, he could not let that opportunity slip without declaring his opinion against a Bill, which was, as he thought, the worst bill that had ever been brought before that House: It was, he said, in his opinion, a most insidious bill; there was a snake in the grass, which, if they did not crush, would, if he might be allowed to use scripture terms, bruise the heel of the constitution, and consequently of their lordships: That he would not repeat what he had before said, but he thought he had proved, that it was contrary to interest of England, contrary to the interest of Scotland, destructive to the land interest, destructive to the trading interest; and what was worst of all, that it would ruin the Constitution.

The Duke of *Newcastle* answered, That there was no argument brought for proving any thing against the Bill, but what had been fully answered and refuted: That if there was any snake in the grass, it was in the opposition that had been made to that Bill, for that there had been no reason publicly given, that could give any colour or pretence for making so strong an opposition to that Bill, which in its own nature was one of the most just, one of the most compassionate, and one of the most necessary Bills, that had ever been brought before that House: That the very design of that Bill was to preserve the land-interest, without the preserving of which, neither our trade nor our constitution could long subsist.

The Salt-Bill passed.] Then the question being put for passing the Bill, it was carried in the affirmative.

Protest against it.]

"Dissentient' Abingdon.

1. "Because this tax hath been found, by long experience, to be most grievous to the subject; for which reason the parliament lately, upon the recommendation of his Majesty from the throne, chose to repeal this, as the most oppressive part of the sinking fund, for the ease and relief of the subject: It may therefore seem very extraordinary, that in so short a time, before the people have received much benefit from it, in a time of peace, and without any necessity (that appears to us) and when the supply might be raised with less charge and inconvenience within the year, we should have recourse to a tax too odious and oppressive to be continued, even for the payment of the national debt.

2. "Because we have reason to believe the Parliament would not have cut off such a branch of the sinking-fund, (which has been esteemed so sacred and necessary) if it could have been thought that it could ever have been applied to any other use; and it may give cause to apprehend, that the rest of the sinking-fund may, by the same means and to the same purposes, be occasionally diminished, till it is reduced too low to satisfy the public creditors, and discharge the immense debts of the nation: Which opinion (if it should once prevail) would effectually destroy the public credit, and involve the king and kingdom in inextricable difficulties.

3. "Because this tax, instead of being applied to the payment of our debts, occasions the increase of them; and instead of raising the Supply within the year, which is always most eligible, even in time of war, if it can be done, and which method (if it had been taken at first and pursued) had left the nation free and unincumbered to us and our posterity, we now mortgage the revenue, in time of peace, for a term of years, though but a short one, and yet what the people may notwithstanding apprehend will be continued, and be made a precedent in all supplies for the future; which method of anticipating the revenue must necessarily weaken the government, by depriving it of the means necessary for its support in case of any sudden emergency of war, or other public calamity, and in consequence throw all the weight of the public expence upon the landed interest, which will pay dear for the relief of one shilling in the pound only in this year's land-tax.

4. "Because it is liable to frauds and great deductions, which make the real produce into the Exchequer little, though it raises much upon the people; and is a great discouragement to the fishery, and a burthen upon the trade and navigation of the kingdom.

5. "Because it is not only a great burthen to the landed estates, and particularly to the grassing farms, but even a prohibition to all improvements of land, in those parts where it is used for manure.

6. "Because as this excise is proposed without any apparent necessity, or convenience to the public, or even any real advantage, (as is suggested) to the landed interest, it must necessarily create a jealousy in the people, that it is a step and introduction to a more general one; than which nothing can be more odious and dreaded, but a standing army, that must necessarily attend the execution of it.

7. "Because Scotland being charged only with one shilling per bushel on salt, which is not a third part of the duty, it introduces an inequality in trade, contrary to that which seems established by the articles of the Union, and tends to the keeping up invidious distinctions between the two parts of the united kingdom. It may justly be doubted, if the exemption from this duty at the time of the Union is a sufficient reason for the like now, since the duty was appropriated to the debts of England contracted before, and is now revived for the current service of this year; yet under the appearance of favour, the people of Scotland will, at least, pay in three years the full sum of 24,672*l.* for the saving of the one shilling in the pound land-tax, in the current year, amounting

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to no less than 12,000*l.* So that Scotland, instead of being eased by this Bill, is doubly loaded and restrained in her trade upon account of this distinction; and all the bounties upon exportation, payable now there by law, are rendered precarious; and consequently this tax should not, in our opinions, have been imposed.

8. "Because the subjects are laid under grievous penalties by this Bill, the incurring of which cannot, in many cases, be prevented, notwithstanding the strictest care; whereby the most innocent may be subjected to the discretion and mercy of the commissioners and officers of the revenue, wherein the greatest partiality may be exercised.

9. "Because all taxes which require a multitude of officers to be employed in collecting them, and which give thereby both occasion and pretence to quarter numbers of useless subjects on the labour and industry of others, become so chargeable and oppressive, that they are hardly borne in the most arbitrary governments; and that they seem repugnant to the very nature of a government constituted like ours. The sole expence of levying this tax, added to the interest which must be paid for loans made on the credit of it, will appear, on a fair calculation, sufficient to discharge, in a competent number of years, the principal and interest of the whole sum for which the supply is given. In point of good husbandry therefore, we think, that a tax of this nature should be rejected in any country where reason is not subdued by force, and where private will has not been yet received for law; but in a limited monarchy, like this of Great-Britain, where the powers of the constitution are divided and balanced, and yet the whole executive power is intrusted to the prince, we apprehend, that these frequent and great augmentations of the number of officers appointed, directed and paid by the authority of the crown, though employed in collecting and managing revenues, which are no part of the revenue of the crown, ought to be esteemed dangerous to public liberty, and for that superior reason to be eternally avoided.——

(*Signed*) Bridgwater, Shaftesbury, Carteret, Bathurst, Winchelsea and Nottingham, Coventry, Tweedale, Strafford, Northampton, Gower, Ker, Scarsdale, Warrington, Litchfield, Tadcaster, Bristol."

Resolutions of the Commons on the Report relating to the fraudulent Sale of the Earl of Derwentwater's Estate.] March 30. The Commons took into consideration the Report from the Committee, to whom all the Books, Instruments, and Papers, relating to the Sale of the estate of James, late earl of Derwentwater, were referred, and came to the following Resolutions: 1. "That it appears to this House, that on the 30th of July, 1723, Matthew White, esq. was declared the purchaser of an annuity of 200*l.* during the life of Charles Ratcliffe, issuing out of the estate of James late earl of Derwentwater, with all the arrears thereof from his attainder, for 1,201*l.* 1*s.* without due notice of time or place for exposing such annuity to sale, and without the presence of a sufficient number of Commissioners and Trustees, as required by the Act appointing such Commissioners and Trustees. 2. That William Smith, esq. did on the 11th day of July 1723, for the consideration of 1,060*l.* contract for an Estate of James late earl of Derwentwater, mentioned, in a particular published by the said Commissioners and Trustees, to be of the annual value of 5,013*l.* subject to the annuities and incumbrances in the said particular mentioned, and to be sold during the continuance of an estate in tail-male, vested in Charles Ratcliffe in remainder, expectant on the death of John Ratcliffe under age, and without issue-male, which contract was, on the 30th of the same July, vacated and torn out of the Book of Contracts, and a new one then procured and dated as on the 11th, by which the said William Smith not only obtained the said remainder in tail, but also the reversion in fee of the said Estate for the same sum of 1,060*l.* although a sufficient number of Commissioners and Trustees, as required by act of Parliament, was not present either on the 11th or 30th of the said July, nor had any notice been given of exposing to sale the reversion in fee of the said Estate. 3. That Matthew White and William Smith, esqs. were present on the 30th of the said July, when Samuel Allen, secretary to the said Commissioners and Trustees, signed the names of sir Thomas Hales and sir John Eyles to the respective pretended contracts, made with the said White and Smith on the said 30th of July, when no Commissioner and Trustee, but Dennis Bond, esq. and John Birch, serjeant at law, were present. 4. That the contracting for the sale of the aforesaid Estates, by a less number of the Commissioners and Trustees than four, and the not giving 15 days notice at least of such sales, was a manifest violation of the act of Parliament for the sale of the said Estates, highly injurious to the public, and a notorious breach of the trust reposed in such Commissioners and Trustees."

A Bill ordered in for making void the said Sale.] Upon these Resolutions it was ordered, "That leave should be given to bring in a Bill to declare and make void the several contracts, and the conveyances made in pursuance thereof, of the Estate of James late earl of Derwentwater, to William Smith, esq. and also of the annuity of 200*l.* during the life of Charles Ratcliffe, with the arrears thereof, to Matthew White, esq."

After this the House resolved, nem. con. "That any Commissioner and Trustee, appointed by the said act of Parliament, directing or permitting the secretary of the Commission, or any other person, to sign the name of any absent Commissioner and Trustee, in order to make up the number of Commissioners and Trustees required by the said Act, to any sale,

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contract, or other proceedings, was guilty of a violation of the said Act, and of an high breach of trust."

Then a motion was made to resolve, "That any absent Commissioner and Trustee appointed by the said act of Parliament, impowering any person to sign his name for him, in order to make up the number of Commissioners and Trustees required by the said Act, to matters of form in proceedings under the said Act, was guilty of a great irregularity in the execution of the said Act." But many members being of opinion, That it was as great a violation of the Act, and as high a breach of trust, for any absent Commissioner to impower any person to sign his name for him, in order to make up the number of Commissioners required, as it was for any Commissioner present to direct or permit any other person to sign the name of any absent Commissioner, in order to make up the number of Commissioners present; the said motion was warmly opposed: however, after a long debate, the question was put, and it was carried for the motion, by 175 votes against 140.

Dennis Bond, esq. and Serj. Birch expelled the House.] That part of the Committee's Report, which related to Dennis Bond,* esq. member for Pool, being read, it was resolved "That he was guilty of a notorious breach of trust, as a Commissioner for Sale of the forfeited estates, and that he be for the said offence expelled the House." The same Resolutions were made with regard to Serjeant Birch, member for Weobly, and he was also expelled the House.

Sir John Eyles voted guilty of an Irregularity; and ordered to be Reprimanded by Mr. Speaker.] Then that part of the Report which related to sir John Eyles, member for London, was read, and the recital of a Conveyance entered into a Book belonging to the said Commissioners and Trustees was read; then it was resolved, "That he was guilty of a great Irregularity as a Commissioner and Trustee for Sale of the forfeited Estates for the use of the public, by empowering Mr. Samuel Allen, secretary of the commissioners and trustees for the sale of the said estate, to sign his the said sir John Eyles's name, when absent, in order to make up the number of commissioners and trustees required by act of parliament, to matters of form in proceedings under the said act. And it was ordered, That he should for his said offence be reprimanded in his place by the Speaker, and that he should attend the House in his place the next morning.

The Speaker's Reprimand to Sir John Eyles.] March 31. Sir John Eyles attending in his place, Mr. Speaker called upon him by his name: And sir John Eyles standing up in his place, uncovered, Mr. Speaker, sitting in the chair, covered, spoke to him to the effect following:

"Sir John Eyles;

"The House have come to a Resolution, That you are guilty of a great irregularity as a Commissioner and Trustee for Sale of the forfeited Estates for the use of the public, by impowering Mr. Samuel Allen, secretary of the Commissioners and Trustees for the Sale of the said Estates, to sign your name, when absent, in order to make up the number of Commissioners and Trustees required by act of parliament to matters of form in proceedings under the said act:

"And have imposed a command upon me, which is the only one, I can truly say, that I ever received with any uneasiness in the place I now sit, not from any doubt of the justice of the command, nor from any unwillingness in me to obey an order of the House, but because you, Sir, are unfortunately the subject of it, for whom I have always had the greatest personal regard.

"The Offence you are guilty of, having come within the notice of the House, it was impossible it should escape their censure, as it had a reference to a trust reposed in you; reposed by parliament, the highest and most sacred authority, any subject of this kingdom can act under; and with a particular confidence in you, and the others joined with you, because of the relation you bore to the parliament; a trust of great importance, and which required great pains in, and attention to, it; and for that a very considerable recompence was assigned to you out of the public treasure. The recompence, Sir, you enjoyed; but the pains, and attention, expected from you, you failed in; and illegally delegated your trust, in instances, where a false and fraudulent use has been made of it. But happy for you, Sir, it appears to the House to have been a matter,

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* "Perhaps you think the poor might have their
"part?
"Bond damns the poor, and hates them from his
"The grave Sir Gilbert holds it for a rule [heart:
"That ev'ry man in want is knave or fool:
"God cannot love (says Blunt with tearless eyes)
"The wretch he starves—and piously denies."
Pope's Moral Epistle: Ep. 3.

"This Epistle was written in the year 1731, when a Corporation was established to lend money to the poor upon pledges, by the name of the Charitable Corporation; but the whole was turned only to an iniquitous method of enriching particular people, to the ruin of such numbers, that it became a parliamentary concern to endeavour the relief of those unhappy sufferers; and three of the Managers, who were members of the House, were expelled. By the Report of the Committee appointed to inquire into that iniquitous affair, it appears, that when it was objected to the intended removal of the office, that the poor, for whose use it was erected, would be hurt by it, Bond, one of the directors, replied, 'Damn the poor.' That 'God hates the poor,' and, 'That every 'man in want is either knave or fool: &c.' were the genuine apothegms of some of the persons here mentioned." Pope.

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rather of evil example, than of evil intention; for which reasons the Resolutions of the House, on this occasion, have a mixture of justice and mercy; and, as your Offence will always justify the censure of the House, let it be your care, Sir, that your future behaviour always justify their lenity: let the justice of the House make you fear, and the clemency of the House make it a matter of sorrow in you, to offend again.

"This sense, I persuade myself, you will have of the Judgment, the House has passed upon you; which is, That I reprimand you for your said Offence:—And I do reprimand you accordingly."

Sir John Eyles's Reply.] Whereupon sir *John Eyles* said,

"Sir,

"I am very much ashamed of an Offence, that has drawn upon me the animadversion and censure of this House; an offence, which, at the time of committing it, I had scarce an idea of being subject to blame for. I am now made truly sensible of it; and the strong and lively colours, in which you, Sir, have drawn it, will be to me a lasting memento of future caution.

"The judgment the House has passed upon me, I endure with a dutiful submission; and you, Sir, having shewn that tenderness and humanity, which is agreeable to your nature, in your kind and indulgent manner of pronouncing it, and thereby in some degree abated its rigour, I cannot but express my grateful and sincere acknowledgments to yourself, and also to the House, for their favour in not carrying this censure to any further consequence."

The Thanks of the Commons given to Lord Gage for detecting the Fraudulent Sale of the Derwentwater Estate.] Resolved, nem. con. "That the Thanks of this House be given to the lord viscount Gage, a member of this House, for the great service he hath done the public, in detecting the fraudulent Sale of certain forfeited estates of James, late earl of Derwentwater, and of a forfeited annuity, issuing out of the same, which were vested in commissioners and trustees, to be sold for the public use."

The Speaker's Speech to Lord Gage.] And Mr. Speaker gave him the Thanks of the House accordingly, as follows:

"My Lord Gage,

"The House have come to an unanimous Resolution, That the Thanks of the House be given to your lordship, for the great service you have done the public, in detecting the fraudulent sale of certain forfeited estates of James late earl of Derwentwater, and of a forfeited annuity, issuing out of the same, which were vested in commissioners and trustees, to be sold for the public use.

"And the manner of your lordship's making this discovery has shewn your disinterested regard to the public service, as the effect of it may be greatly to the public benefit.

"The applying the forfeited estates to the use of the public being one of the principal reasons for making it thereby impossible they should ever be given back to the unfortunate families they once belonged to, the House of Commons could not, without uneasiness, think of this pretended sale, which has thrown into private hands, no ways allied to the estate, so large a share of profit, due to the public, with a very low, and almost the bare appearance only of a consideration for one part, and not so much as even that for another.

"But your lordship's seasonable detection of this injurious transaction will very likely produce justice and restitution to the public; and for this service your lordship is now receiving a reward, that, I can answer for your lordship, you esteem amongst the greatest, and most honourable, you can acquire, and which, my lord, will not only remain with you, but will derive a lasting honour to those, who may come after you:

"An honour, my lord, the House has always been most tender of in the way, and for the reason, they confer it upon you, and, if I may use the expression, is a sort of bounty, they have ever been most frugal of granting. Few are the instances of it: Not, that public services have not frequently been performed, but, that the Thanks of the House of Commons are never given for public services, but what are the most eminent, such as that, which your lordship has lately done the state.

"I am very conscious, how imperfectly I have conveyed the sense of the House to your ship; but the having no time to prepare myself for it must be my excuse. I will only add, That no one could with more pleasure obey the order of the House on this occasion, than I do, which is, to give your lordship the Thanks of the House, for your said service to the public: And I do give your lordship the Thanks of the House accordingly."

Lord Gage's Reply.] Whereupon the Lord Gage spoke to the effect following:

"Mr. Speaker,

"This sudden and unexpected honour hath put me into so great a confusion, that I never was more at a loss for words to express myself, than now. All I can say, Sir, is, to assure you and the House, that I had no other view in promoting this enquiry, than to discharge the trust my country has reposed in me, by detecting (as far as I was able) a fraud injurious to the public.

"And, since the House has been pleased to distinguish my poor service in a manner so far beyond what it deserved, or I could have expected, their approbation of my behaviour in this particular instance will, I hope, so influence my future conduct in all others, as may convince them, that I shall make it my constant endeavour to merit the honour they have done me on this occasion."

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Farther Debate concerning Robinson and Thompson.] April 3. The affair of George Robinson and John Thompson occasioned a new debate, for the day being then passed, on which Robinson and Thompson were to appear by the act before mentioned, and neither of them having appeared or surrendered himself in the terms of the said act; it was moved, 'That he might be expelled.' But some of the members took notice, That by the said Act, he might within the time limited surrender himself to either House of Parliament; and though he had not surrendered to that House, yet they did not know but that he had surrendered himself to the other: and therefore they moved, That a Committee should be appointed to inspect the Journals of the Lords and to report to that House, whether any and what proceedings had been before the Lords in consequence of an Act passed that session, intitled, 'An Act to encourage and compel George 'Robinson, esq. and John Thompson to ap-'pear, &c.'

But to this it was answered, "That according to the terms of the said Act, the said Robinson might have surrendered himself to the other House, and might thereby have freed himself from the pains, to which he was by the said Act subjected, in case of his not appearing and surrendering; but this they had nothing to do with, when they came to consider whether or no he ought to be expelled; because in that question, the only point to be considered of was, whether or no he had attended the service of the House according to order; if he had, it would appear by his answering for himself in his place, or by some member's rising up and making an excuse for him; if he had not, he was guilty of a high contempt of the orders and authority of that House, for which he ought to be expelled; and that therefore they had not in the present question any business with the Journals of the other House."

At last the question was put upon this motion, and it was carried in the negative.

Then the House came to a Resolution, *nem. con.* "That George Robinson, esq. having been charged in parliament with being privy to, and concerned in many indirect and fraudulent practices, in the management of the affairs of the Charitable Corporation for relief of industrious Poor, by assisting them with small sums upon pledges at legal interest; and with having got into his hands very large sums of money belonging to the said Corporation; and being returned a Burgess to serve in this present parliament for the borough of Great Marlow in the county of Bucks, and having never attended the service of the House, although required so to do, was guilty of a high contempt of the orders and authority of this House."

George Robinson, esq. expelled the House on account of the Charitable Corporation.] Then it was likewise resolved, *nem. con.* "That the said George Robinson, esq. be for his said offence expelled the House:" and Mr. Speaker was ordered to issue his warrant for making out a new writ for the said borough of Marlow, in his place.

The Bill for making void the Sale of the Earl of Derwentwater's Estate brought in.] April 6. Lord Gage presented to the House a Bill, "For making void the several Contracts for Sale of the late Earl of Derwentwater's estate," which was read the first, and ordered to be read a second time.

A Motion that the Witnesses to be examined at the second Reading of the said Bill, be examined upon Oath, passed in the Negative.] April 17. A Petition of William Smith, esq. and Matthew White, esq. was presented to the House, and read; praying to be heard by their counsel against the said Bill, which Petitions were ordered to lie upon the table till the second reading thereof; and that the Petitioners might be then severally heard by their counsel.

Hereupon a motion was made, "That the Witnesses, who shall be examined for and against the said Bill at the second reading thereof shall be examined in the most solemn manner." This occasioned a long debate in the House. Those that were against the question represented, "That the House of Lords had always insisted upon it, that the House of Commons, being no court of judicature, had not therefore a power to examine witnesses in the most solemn manner, at the bar of their House: That though this power had always been claimed and insisted upon by the House of Commons, yet it was a point still in dispute between the two Houses: And that if the House of Commons should upon that occasion make use of this disputed power, it would occasion a breach between the two Houses, which might not only prove to be the loss of the Bill then under consideration, but might be of much worse consequence, by putting a full stop to all the public business of the nation; it being well known, that whenever any breach happened between the two Houses, it proved always to be a very difficult and tedious matter to re-establish that harmony, which ought always to subsist between the two Houses, and without which the public affairs of the nation cannot be carried on; so that their coming to any such resolution might intirely unhinge the government, and throw the whole kingdom into confusion.

Those Members upon the other hand, who were for the question, declared the great regard and concern they had for the Bill then under consideration, and for the public peace and quiet of the nation; but said, "That the true method of preserving the public quiet of the nation was, for each House to take care to preserve those powers and privileges which properly belong to them: for if that House should begin to yield up, or not exert a power which they had always enjoyed, only because the other House pretended to dispute their having any such power, they might come at

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last to be stript of all the powers and privileges they ever had or could pretend to: That it was well known, that the House of Commons had always been used to impower their Committees to examine Witnesses before them in the most solemn manner; and it was very odd to pretend, that the House itself could not make use of that power which they every day delegated to their committees; it was not to be presumed, that the other House would raise any such groundless dispute: That it might perhaps be pretended, that as the House of Commons was no court of judicature, they could not therefore administer an Oath: but that was not now to be brought into question, because they might get such of the members as were justices of the peace to administer the oath to the witnesses, upon which oath the witnesses might afterwards be examined at the bar of the House; or they might get one of the Judges to come to the Speaker's Chamber to administer the Oath to the witnesses, which was no new or unheard-of method of proceeding: for that there was upon their Journals a Precedent for the same, and that method was then allowed of by the other House without any dispute: That even as to their having a power of administering an Oath in the most solemn manner, they hoped that there was no member of that House who doubted thereof; and if it were to be brought into dispute, it could be proved to the conviction of all impartial men: That the House of Commons was certainly a Court of Record, their being such having been admitted of by the other House in the most solemn manner, as appeared by the 6th of Henry 8, chap. 16. By which it was enacted, 'That no knight, &c. 'should depart from the parliament without 'the licence of the Speaker and Commons in 'parliament assembled, to be entered upon 'Record, in the Clerk of the Parliament's 'Book, on pain to lose their Wages.' That this was an indisputable testimony of their being a Court of Record, and as such they certainly had a power to administer an oath in any affair which came properly before them, and upon which it was necessary that witnesses should be examined: That as there was a precedent for examining witnesses in the most solemn manner at the bar of their House, without bringing their power of administering of oaths into dispute, if the present question was agreed to, they might follow that precedent, and thereby prevent all occasion of difference between the two Houses.

Then the previous question being put, That the question be now put upon the said motion, it passed in the negative. The majority of the House, being desirous to have the Bill passed, were unwilling to agree to any motion that might create a difference between the two Houses, and thereby hazard the loss of the Bill.

REPORT FROM THE COMMITTEE OF THE HOUSE OF COMMONS ON THE FEES OF THE OFFICERS OF THE COURT OF CHANCERY.] April 18, Mr. Wyndham reported from the Committee, to whom the several Lists of the Officers, and their Deputies, belonging to the several Courts in Westminster-hall, and elsewhere, with the Lists, Accounts, and Tables of Fees, claimed by them (which were presented to this House in the last and present session of parliament) and also the Lists, Accounts, and Tables of Fees, of the Officers, and Servants, belonging to the Judges of the several Courts in Westminster-hall, and the Circuits, the Associates, and Clerks of Assize (presented to this House in the session of parliament preceding the last) were referred, the matter, as it appeared to them, with the Resolutions of the Committee thereupon, which they had directed him to report to the House: And he read the Report in his place, and afterwards delivered it in at the Clerk's table; where the same was read; and the Report and Resolutions are, as follow;

"The Committee, taking into consideration the great number of Officers, and Clerks, who have presented to this House Lists of Fees, thought it necessary to examine into the Fees of the Officers of each Court separately, and to begin with the Court of Chancery, which is a Court always open, and which exercises the most extensive jurisdiction, and abounds with clerks, and officers.

"The Committee enquired, of what officers the Court of Chancery did anciently consist, and what regulation of their fees had been made, and what methods used, to prevent the increase of unnecessary officers, and the exaction of illegal fees.

"It appeared to the Committee, that Commissions, to enquire into the behaviour of officers in courts of justice, ecclesiastical and civil, were frequently issued, in former times, to several great officers of the kingdom, and others, with power to correct abuses, and with direction to certify their proceedings, either to the king in Council, or into the Court of Chancery.

"The inrollment of two such Commissions in the reign of James the First, and of four in the reign of Charles the First, were produced to the Committee, from the records in the chapel of the Rolls; but no such commission has issued since the restoration of Charles the Second.

"Another method of reforming abuses in the courts of Justice was, by the presentment of experienced practisers, upon oath, appointed by the judges of the several courts to enquire, what fees had been exacted, other than the ancient and usual fees.

"A Presentment, upon oath, of 15 persons, in the 40th of Elizabeth, for the better Reformation of sundry Exactions and Abuses, supposed to be committed by officers, clerks, and ministers, in the high Court of Chancery, was shewed to the Committee; by which presentment it plainly appeared, who were the officers of the Court at that time, and what were their legal fees.

"But, as the officers of the Court of Chan-

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cery are exceedingly increased since that time, by patents and grants, and many secretaries, and clerks, and other honorary attendants upon the judges of that court, appear now to claim large fees, whose services were unknown to the ancient practisers in the 40th of Elizabeth, the Committee thought it proper to make a list of such offices, as appear to be ancient, and necessary to the justice of the court, and a list of such, as have since grown up insensibly into offices of great profit, and much increased the expence of the proceedings of the court; which lists are hereunto annexed, Appendix, No. 1, and 2.

"By the Presentment of Fees in the 40th of Elizabeth, and by the Lists of Fees, lately presented to this House, it appears, that many fees of several ancient officers, then allowed, continue the same to this time; particularly, of the examiners, the cursitors, the clerk of the subpœnas, the clerk of the chapel of the rolls, the clerks of the petty bag, the six clerks, and others; which the Committee think very observable, and consider as the effect of a good regulation, once established, which has been able to preserve itself for above 130 years against the incroachments of officers on all sides in the same court.

"The Abolition of the Court of Star-chamber, and of the court of Wards and Liveries, together with all the writs and proceedings of those courts, has extinguished some offices, and reduced the profit of some ancient officers of the Court of Chancery; and the alteration, which time has introduced into the practice of the court, has greatly raised the profits of other officers, who are concerned in the proceedings in equity, by the multiplying of petitions, bills, answers, pleadings, examinations, decrees, and other forms, and copies of them, and extending them frequently to an unnecessary length.

"It appeared to the Committee, that the charge of drawing and entering an order in the Court of Chancery anciently was but one or two shillings, and never exceeded three shillings, untill the time, that the office of register was erected, and a grant made of it, and that all orders, dismissions, and decrees, were endorsed upon the pleadings. The fee of three shillings and sixpence for each side in all causes, and of seven shillings a side in causes by consent, now claimed by the register, and his deputies, appear to the Committee to be a heavy burthen upon the client, especially, considering the long recitals in decrees and orders of late times, which the deputy registers did acknowledge to consist frequently of twenty, thirty, forty, or more, sides, and considering, that other forms in the same court are charged eight pence, or at most twelve pence a side.

"The charge of eight pence a side for copies, received by the masters, and by the six clerks, is an ancient fee, where copies are necessary; but the Committee were informed, that copies are frequently forced upon the client, contrary to his desire, and claimed by officers, as due to them, or charged by solicitors, though neither claimed or paid; which, considering the prodigious length of some forms, and that the whole proceedings in causes consist often of several thousand sheets, is a grievous abuse, that ought to be reformed.

"The Masters in Chancery claim two shillings for every summons, which the Committee admit to be reasonable; but are informed, that abuses have been often committed, by a great number of summons issuing, without any attendance of the clerks, or solicitors, who nevertheless may charge their clients for such summons, and their attendance, because few bills are regularly taxed before the masters; which Mr. Holford and Mr. Elde, masters in Chancery, did affirm to be a principal occasion of the increase of expence in causes, the solicitors generally taking upon themselves to tax one anothers bills, and making what allowances they think fit.

"The Committee apprehend, that the fees of the secretaries, clerks, and other officers, who do not appear to have been known formerly to the court, have never undergone any public examination; that many different offices render the business of the court very inconvenient to the suitor, and greatly encourage the demand of new fees.

"It appeared to the Committee, that orders had sometimes been made, for the officers to hang up publicly lists of their fees; most of which lists are since withdrawn, or have been suffered to decay, and become so useless, that the officers themselves seemed often doubtful, what fees to claim, and most of them relied upon no better evidence, than some information from their predecessors, or the deputies of their predecessors that such fees had been demanded, and received.

"Among the various claims of those, who now call themselves officers of the Court of Chancery, none appeared more extraordinary to the Committee, than the fee of the secretary and clerk of the briefs; who, upon grants, to enable persons to beg and collect alms, claim, and frequently receive, a fee of forty, fifty, or sixty, pounds; and the register takes, besides, twelve or thirteen pounds, for stamping and telling the briefs; which fees, with other great charges upon the collection, devour three parts in four of what is given for the relief of persons, reduced to extreme poverty by fire, or other accidents.

"The Clerk of the lunatics and ideots informed the Committee, that he had never seen any account of his fees, till lately; he believes, not till a list of them was ordered to be laid before this House: that Mr. Lewis, who had been his deputy in his office for 34 years, had constantly refused to shew any list to Mr. Bennet, his predecessor; and that he had no other rule in the demand of his fees, for three or four years, but receipts, and loose papers, which he found in his office; but that the fees, which he took, appear to agree exactly with the fees contained in the list, which he has so lately discovered.

"Such were the accounts of Fees, which the

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officers gave the Committee; who took into consideration the great difficulty they had even to discover, of what officers, clerks, and ministers, the Court of Chancery does at present consist, or in what terms to describe their offices and employments, so as to make them discover themselves; and, observing, how little able, or willing, many officers were to give any satisfactory account of the fees they claim, and receive, came to the following Resolutions:

"Resolved, That it is the opinion of this "Committee, that the long disuse of public en- "quiries into the behaviour of the officers, "clerks, and ministers, of the Courts of Justice, "has been an occasion of the increase of un- "necessary officers, and given encouragement "to the taking illegal fees.

"Resolved, That it is the opinion of this "Committee, that the interest, which a great "number of officers, and clerks, have in the "proceedings in the Court of Chancery, has "been a principal cause of extending Bills, "answers, pleadings, examinations, and other "forms, and copies of them, to an unnecessary "length, to the great delay of justice, and the "oppression of the subject.

"Resolved, That it is the opinion of this "Committee, that a table of all the officers, "ministers, and clerks, and of their fees, in the "Court of Chancery, should be fixed and esta- "blished by authority; which table should be "registered in a book in the said court, to be "at all times inspected gratis, and a copy of it, "signed and attested by the Judges of the court, "should be returned to each House of Parlia- "ment, to remain among the records."

Appendix.

No. I.

A List of the Officers of the Court of Chancery in the Fortieth Year of the Reign of Queen Elizabeth.

The Masters of the Chancery
The Clerk of the Crown
The Prothonotary
The Clerk of the Hanaper
The Six Clerks
The Clerks of the Petty Bag
The Examiners
The Cursitors
The Register
The Warden of the Fleet
The Usher
The Sealer and Chaff-wax
The Clerk of the Dispensations and Faculti . . .
The Clerk of the Leases
The Clerk for Commissions of Appeal
The Clerk of the Records in the Tower
The Clerk for Licences and Pardons of Alienations
The Clerk for writing of Custodies and Process out of the Court of Wards.
The Clerk for writing the Process in the Star-Chamber
The Clerk for writing Subpœnas in the Chancery.
The Clerk for writing of Presentations
The Clerk for writing of Protections for Hospitals
The Clerk for writing of Licences for Wines.
The Office for filing of the English Pleadings, exhibited in Chancery
The Office for the Examination of Letters Patents in the Chancery
The Clerk of the Chapel in the Rolls
The Clerks of the Inrollments.

No. II.

A List of the Officers of the Court of Chancery in the Year 1732.

The Masters in Chancery
The Clerk of the Crown
The Prothonotary
The Clerk of the Hanaper
The Comptrollers of the Hanaper
The Six Clerks
The Sixty Clerks
The Clerks of the Petty Bag
The Examiners
The Copying Clerks in the Office of the Examiners
The Cursitors
The Register
The Clerk of the Reports, in the Register's Office
The Entering Clerks in the Register's Office
The Warden of the Fleet
The Usher
The Sealer
The Chaff-wax
The Clerk of the Dispensations and Faculties
The Clerk of the Presentations
The Clerk of the Leases
The Keeper of the Records in the Tower
The Patentees of the Subpœna Office
The Clerk of the Chapel of the Rolls
The Clerks of the Inrollments
The Clerk of the Patents
The Clerk of the Briefs
The Clerk of the Custodies, and Patentee for making out of Commissions of Lunatics and Ideots
The Patentee of the Six-penny Writ Office
The Patentees for making out Commission of Bankrupt
The Register for inrolling proceedings in matters of Bankruptcy
The Register of Affidavits
The Receiver of the Fines
The Serjeant at Arms, attending the great Seal
The Messenger, attending the great Seal.

Officers belonging to the Lord Chancellor.

The Doorkeeper of the Court
The Purse-bearer
The Secretary
The Secretary of the Presentations
The Secretary of the Commissions of the Peace, &c.

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The Secretary of the Commissions of Lunacy and Ideotcy
The Secretary of the Commissions of Bankrupt
The Secretary of the Briefs
The Secretary of Decrees and Injunctions
The Secretary of Appeals
The Gentlemen of the Chambers
The Usher of the Hall
The Porter

Officers belonging to the Master of the Rolls.

The Secretaries
The Secretary of Causes
The Secretary of Decrees and Injunctions
The Gentlemen of the Chamber

Resolution of the House thereon.] The said Resolutions were agreed to by the House; as was also the following:

"Resolved, *nem. con.* That an humble "Address be presented to his Majesty, that "he will be graciously pleased to give di- "rections, that a survey be taken of the Of- "ficers, Clerks, and Ministers, of the Courts of "Justice in this kingdom, and that an enquiry "be made into their fees, in order to reform "the same, as to such, as have been imposed "upon the subject contrary to right, and to "establish what are reasonable, and legal, in "such manner, as his Majesty in his great wis- "dom shall think fit."

REPORT OF THE COMMITTEE OF THE HOUSE OF COMMONS RELATING TO THE CHARITABLE CORPORATION.] April 20. Mr. Sandys reported from the Committee, to whom the Petition * of the Proprietors of the Charitable Corporation, for relief of industrious poor, by assisting them with small sums, upon pledges, at legal interest, assembled in their general Court, is referred; that the Committee had agreed upon a further Report of their proceedings, which they had directed him to make. And he read the Report in his place, and afterwards delivered it in at the clerk's table. The said Report is as follows:

FURTHER REPORT, from the Committee to whom the Petition of the Proprietors of the CHARITABLE CORPORATION for Relief of Industrious Poor, by assisting them with small Sums upon Pledges at legal Interest, assembled in their General Court, was referred.

Your Committee, in order to make a full discovery of the several embezzlements and violations of trust, and of the conduct of those who have had the care and management of the affairs of the said Corporation, ordered the secretary, cashier, and accomptant, to lay before them the charter of incorporation, and the several licences for enlarging their capital, and also the general court books, and court of committee, and committee of account books, and all the cash books, ledger books, and other books of accounts, and papers belonging to the said Corporation; which being done, the Petitioners proceeded to make good the allegations of their Petition.

Your Committee now think proper, in order to avoid repetition, to acquaint the House, that in pursuance of their orders, all the persons examined before the said Committee, were examined in the most solemn manner. And Mr. John Harrison, accomptant to the petitioners, being examined, produced an account by which it appears that upon the capital of 600,000*l.* 353,817*l.* 10*s.* has been paid in by the proprietors of the shares and privileges of the said Corporation, and that notes for 101,115*l.* and bonds for 44,400*l.* are now standing out, amounting in the whole to 499,332*l.* 10*s.* to answer which, there appears to be 666*l.* 10*s.* 7*d.* due from Mr. William Trench, late Cashier, 840*l.* 12*s.* 7¼*d.* in the hands of Mr. Jeremiah Wainwright, the present cashier. The inventories of goods pledged in the several warehouses belonging to the Corporation amounting to 50,000*l.* and two balances of cash in the hands of George Robinson and John Thomson, amounting to 49,547*l.* 19*s.* 7*d*½. which can be valued at no more than the respective securities of 5,000*l.* each, and a mortgage of the said Robinson's estate of 16,000*l.* by which means all the effects that remain to answer the above-said sum of 499,332*l.* 10*s.* amounts to no more than 77,507*l.* 3*s.* 2*d*¼. so that there remains a loss of 421,825*l.* 6*s.* 9*d*¼.

Your Committee, in order to discover how this great loss hath accrued, proceeded in the first place to read the several powers by which they had from time to time acted; and it appeared by reading of their charter, and their several licences, that they were the 22nd day of December 1707, incorporated by the name of 'The Charitable Corporation, for relief of in- 'dustrious Poor, by assisting them with small 'sums upon pledges at legal interest,' and impowered to raise a fund not exceeding 30,000*l.* but upon power given to increase the said capital by licence under the privy signet, and sign manual.

That the 22nd day of June 1722, upon the Petition of the said Corporation alledging, that by reason of the present state of trade, and the great want of ready money, 30,000*l.* would by no means be sufficient to support the charge, and to answer the good ends and purposes of the said Corporation, and that their fund had never been stock-jobbed as other funds then had been, to the great detriment of the public credit, which it was their ardent desire to retrieve and support, a licence was granted by his late Majesty to increase their capital to 100,000*l.*

That the 21st day of June, 1728, upon another Petition to his said late Majesty, alledging that they had completed their fund of 100,000*l.* pursuant to their last licence, and had

* See p. 936.

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lent the same upon pledges according to their charter, to the great relief of his Majesty's subjects; and that they found by experience, that such their lending would be of great benefit to trade and manufactures if their fund was greater; and upon an affidavit of William Oaker, esq. then one of the Committee, a further licence was granted to increase their capital to 300,000*l.*

And that upon the 31st day of July 1730, upon a like Petition and Allegation, supported by an affidavit made by William Burroughs, esq. another licence was granted by his present Majesty, for increasing their capital to 600,000*l.*

Your Committee observe a difference between the applications made for the first licence, and the two last; the first being made by the order of a general court, and signed by their secretary, and their seal set thereto, whereas the two last were not signed by any person, and were applied for in a clandestine manner, without the privity or consent of a general court, or so much as a court of committee.

That by the Charter, a Committee of seven persons were appointed to manage the affairs of the said Corporation, who were to be sworn, and continue during such time as the members of the said Corporation assembled in a general court, or the major part of them, should order and appoint; and three of them were to be a quorum, and were impowered to treat of all things for the management and benefit of the said Corporation.

That courts of committee were to be held such days as should be appointed by the general court; that cashiers, book-keepers, warehouse-keepers, and other inferior officers, were to be chosen by the general court, and were to proceed under certain rules, as to their lending.

That the said Corporation, or the major part of them, assembled in such their general court, shall have the management and direction of the affairs and business of the said Corporation, according to the rules and directions mentioned in their charter, and according to such other rules, orders, by-laws, and ordinances, as shall be reasonably agreed by the members of the said Corporation, or the major part of them, so assembled.

That the corporation shall not deal in banking, or any ways use the banking trade or business, nor shall upon their common seal, nor by their cashier, officers, or servants, or any other person in their behalf, give or issue out any bills or notes, payable upon demand for loans of monies, with or without interest, except such notes as shall be given by the cashier of the said corporation for monies to be lent by the said corporation upon goods to be pawned to them; nor shall advance or lend any monies at interest, upon any pretence whatsoever except upon their own joint stock or fund.

Your Committee then proceeded to enquire, how the several powers granted by the said charter had been observed and executed; and upon the examination of Mr. William Higgs, the first person named in the charter, who was for several years of the committee, and has since been their secretary; and upon inspecting the general court books, court of committee book, and committee of account book it appears, that from the time of granting the said charter, until the 26th of June, 1718, little was done: but on the said 26th of June, divers officers and agents were chosen by the said general court, and the committee appointed to settle and regulate the salaries of the said officers; that on the 20th of March, 1718, the committee reported to a general court then held, divers methods for establishing the said corporation; which were agreed unto.

That soon after the Corporation, finding their fund not sufficient to answer the purposes of their charter, solicited and obtained the first licence, as aforementioned; but little was done upon that likewise, until the 26th of October 1725, when a new Committee was chosen of sir Robert Sutton, sir John Meres, Dennis Bond, esq. Archibald Grant, esq. now sir Archibald; Joseph Gascoigne, esq. sir Fisher Tench, baronet, and William Oaker, esq. at which time the Corporation began to enter upon full business.

That by a General Court of the 2d of November, 1725, the powers established in the said court by charter, to chuse officers, and to perform all other matters relating to the Corporation, were devolved on the committee.

That in a Court of Committee the 16th of November, 1725, a List of Officers was read; and on the 18th of November, 1725, Mr. Elphinstone was chosen cashier.

That at a Court of Committee the 2d of December, 1725, bonds for the several officers were approved, and the form of an oath to be administered to them settled; which was as follows:

'You shall swear you will duly and faithfully
'perform the Office of of the
'Charitable Corporation for to
'the best of your knowledge, skill, and judg-
'ment, for the benefit and advantage of the
'said Corporation, and not reveal the secrets of
'the Corporation, or Committee thereof, so long
'as you shall continue in the said Office.
'So help you God.'

But your Committee cannot find, that the said Oath was ever administered to any officer in the said Corporation.

That on the 27th of January, 1725, several other officers were appointed, and their salaries settled, viz. an accomptant general, and a clerk.

That on the 3rd and 4th of March, 1725, several proceedings were had concerning their several officers, and their salaries; Mr. Tench was chosen cashier in the room of Mr. Elphinstone, and Mr. Wainwright accomptant general.

That at a Court of Committee the 3d of

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March, 1725, the instructions for the officers were laid before the court; and Mr. Bond was ordered to peruse the same.

That on the 11th of March, 1725, Mr. Tench's securities having not seen the general instructions, it was desired the same might not be annexed to the bond; thereupon the particular instructions for the fidelity of the cashier were ordered to be annexed.

That on the 24th of March, 1725, at a general court, a proposal was made for chusing assistants; but the power in the charter being doubted, and not being then thought necessary, the same was rejected.

But on the 7th of April, 1726, eleven persons were chosen to be assistants to the Committee.

Upon the 5th of May, 1726, at a general court, the powers given to the assistants, as reported from a court of Committee, were agreed to.

That at a Court of Committee the 4th of January, 1726, Mr. Burroughs, Mr. Moody, Mr. Robinson, and Mr. Torriano, were desired to inspect the account of the house in Fenchurch street, and the method of issuing and paying the notes given by the cashier for money lent upon pledges, and report their opinion thereof to the Committee.

That on the 6th of January, 1726, at a court of Committee, Present, of the Committee, Mr. Burroughs, Mr. Mann, Mr. Bond, sir Robert Sutton; And sir Archibald Grant; Assistants, Mr. Torriano, Mr. Moody, Mr. Robinson, and Colonel Gardiner, Mr. Waller, Mr. Oaker, Mr. Bond in the chair; A Committee of Accounts was established without the knowledge or approbation of the general court, to consist of nine persons, viz. Sir Thomas Mackworth, Mr. Burroughs, Mr. Jackson, Mr. Moody, Mr. Oaker, Mr. Robinson, Mr. Squire, Mr. Torriano, and Mr. Waller.

That on the 19th of January following all the committee or assistants, that pleased to come to the Committee of Accounts, were to have voices.

The 28th of April, 1727, Present, of the Committee, sir Archibald Grant, Mr. Burroughs, sir John Meres, and sir Robert Sutton; Assistants, Mr. Oaker, Mr. Torriano, Mr. Whichcott, Mr. Jackson, Mr. Squire, and Mr. Beake, sir Robert Sutton in the chair; The Committee of Accounts were to prepare all business in intervals of Courts of Committee, and lay the same before the next Court of Committee, for their approbation. That all the Committee and Assistants be of the Committee of Accounts and that that three of the said Committee of Accounts may do business.

Your Committee proceeded, in the next place, to enquire into the original and nature of their Fund, and find, that by a Deed-Poll bearing date the 20th of November, 1705, the subscribers thereto covenanted, in consideration of being incorporated in a charter intended to be procured at the sole expence of the said William Higgs, and of the seven largest subscribers being named of the Committee for managing the said Corporation, and each of the subscribers having as many votes as sums of 100*l.* paid into the fund, or an interest equal to sums of 100*l.* that they would each pay the money subscribed; and that he the said Higgs, his executors, administrators and assigns, should have one sixth part of the net profits of the said fund, and all other future sums of money employed by the said Corporation.

That after the Charter was obtained, there were two other deeds subscribed to the same purpose.

And upon examining the Stock Ledgers, and all other the books and papers relating to the Accounts of the Corporation, and taking from thence the particular of each account half-yearly, or at the respective times of the several dividends, as hereafter mentioned, the State of the Fund appears to be as follows, viz.

	£.
The Capital Stock granted with the said Charter of Incorporation dated the 22nd of Dec. 1707, was	30,000
This was divided by a Resolution of the General Court held the 11th March, 1707, into 300 Shares of 100*l.* each, among the several Subscribers to the said Deed Poll of the 20th of Nov. 1705.	
And on the 26th of June, 1718, the Capital, as it then stood in the names of the said Subscribers, or their Assigns, was divided into 1,200 shares of 25*l.* each	
And by his Majesty's Licence of the 25th of June, 1722, an addition was made to the Capital of	70,000
So that the whole was then	100,000
The 1st of April, 1725, the Court of Committee created 10,000*l.* of their Capital, part of the above 70,000*l.* into Stock, in trust for payment of the Debts owing by the Corporation, to the amount of 5,000*l.* But as there are no Account Books in the Office for any Monies received and paid on Account of the Corporation, for any time before the 15th March, 1725-6, it does not appear, how the Debts amount to the said Sum; and therefore it is here stated, as Money paid into the Fund on Account of the said Capital	5,000
The 2d Nov. 1725, the Capital was, by a Resolution of the General Court then held, divided into 5,000 Shares of 20*l.* each; and a Subscription for 90,000*l.* (the remaining part of the said 100,000*l.*) then agreed to, was soon after opened, with a payment of 5*l.* per Share, the whole of which Payments (made on or before the	

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9th Dec. 1725, as appears by the several Books) amounted to the Sum of - - - - - - 21,000

The 25th Oct. 1726, the said Capital, in pursuance of a Resolution then made in a General Court, was to be divided into 10,000 Shares of 10*l.* each, on Payment of the further Sum of 5*l.* on each of the Shares before paid in upon; on which there also appears to be paid on or before the 31st Dec. 1726, (at which time the Payment on the Calls, as by the General Ledger, amounted to 38,808*l.* 15*s.*) the further Sum of 11,908*l.* 15*s.*

And on or before the 28th March, 1727 (being part of 28,699*l.* 18*s.* paid as per General Ledger to the 30th Sept. 1727) the further Sum of 10,291*l.* 5*s.*

Making as by the Call Book - 22,200

On the said 28th March, 1727, the same Capital was divided, by Resolution of the General Court then held, into 20,000 Shares, at 5*l.* each; on which Shares (as it appears by the abovementioned Payments amounting to 49,100*l.*) there then was 9820 Shares paid for; and by a further Call then agreed to, there was paid

For 3681 $\frac{11}{100}$ Shares more, further part of the said 20,000 Shares, on or before the 30th September, 1727, the Sum of 18,408*l.* 13*s.*

And on or before the 21st March, 1728, there was likewise paid for 2916 $\frac{18}{100}$ Shares more, the further Sum of 14,580*l.* 18*s.*

And before the end of July following the remaining 3,582 $\frac{2}{100}$ Shares, as brought to the Account of Fund in the General Ledger, at Michaelmas 1728, were paid for to the Amount of 17,910*l.* 9*s.*

In all - - - - 50,900

Which completed the said Capital of - - - 100,000

On the 21st of June, 1728, the Capital was increased by his Majesty's Licence then dated, for adding to the Fund the further sum of - - - - - - - 200,000

Which made the then Capital to be - - - - 300,000

This new Capital was also, in pursuance of a Resolution of the General Court held the 11th of March following, divided into shares of 5*l.* each, making in the whole 40,000 Shares; and on the 21st of the same March, the same was directed to be distributed among the Proprietors of the old Capital, in proportion to their respective interest in the same.

On this it appears there was paid,

For 4048 Shares on or before the 31st of March 1729, 20,240*l.*

For 9283 Shares more, on or before the 30th of September 1729, 46,415*l.*

For 3307$\frac{1}{2}$ Shares more, on or before the 31st of March, 1730, 16,537*l.* 10*s.*

For 8784$\frac{1}{2}$ Shares more, on or before the 30th of September, 1730, 43,922*l.*

For 6379 Shares more, on or before the 31st of March, 1731, 31,895*l.*

And for 820 Shares more, on or before the 30th of Sept. 1731, 4,100*l.*

Making 32,621$\frac{9}{10}$ Shares, or in Stock 163,109*l.* 10*s.*

So that the whole money paid in upon the original Capital, and the Augmentation by these Licences is (for 52,621$\frac{9}{10}$ Shares) no more than 263,109*l.* 10*s.*

On the 31st of July, 1730, a further increase was allowed of by his Majesty's Licence for an additional capital of - - 300,000

Which makes the whole of the Capital, as it now stands, to be full - - - - - - 600,000

This additional Capital was, by the General Court held Nov. 6, 1730, likewise divided into shares of 5*l.* each, making 60,000 Shares, and on the 14th of the same month was in the like manner distributed among the Proprietors of the old Capital, which Distribution was also directed to be in proportion to their respective interest in the same.

And it also appears, that on account of this licence there was paid

For 10,816 Shares, on or before the 31st of March 1731, 54,080*l.*

And for 7325$\frac{1}{2}$ Shares more, on or before the 30th of Sept. 1731, 36,628*l.*

Making 18,141$\frac{1}{2}$ Shares, or in Stock, 90,708*l.*

So that all the money paid in upon the whole Capital of 600,000*l.* is no more than - - - 353,817 10

And there remains due

Of the 40,000 Shares by the said Licence of the 21st of June,

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1728, on 7378$\frac{1}{10}$ Shares the Sum of 36,890*l.* 10*s.*
And of the 60,000 Shares by the said Licence of the 31st of July, 1730, on 41,858$\frac{2}{5}$ Shares the further Sum of 209,292*l.*
In all 49,236$\frac{1}{2}$ Shares at 5*l.* each - 246,182 10

To complete the Capital of - £600,000 0

Your Committee having enquired how the Powers vested in the General Court by their Charter were transferred to the Committee for managing the affairs of the said Corporation; and how a number of persons were by the said General Court appointed assistants to the said Committee; and how the said Committee and Assistants, (without the consent or approbation of a General Court,) established a committee of accounts; as likewise into the state of their fund; proceeded in the next place to enquire into the methods laid down by the Charter or otherwise, for pledging goods, and lending money on goods so pledged.

The Charter directs the several pledges to be entered in a book to be viewed gratis, and kept and preserved by the warehouse-keeper for that purpose; that the Corporation should keep one or more register or entering-book, wherein should be fairly written the names, natures, kinds, and quantities of such goods, pawns, or pledges, as shall be brought by any borrower to be pawned; and that such goods should be carefully preserved and kept by the warehouse keeper, or warehouse keepers, in convenient warehouses or places within the bills of mortality: and that a reasonable value of such goods shall be agreed and settled by and between the borrower and warehouse keeper: whereby it may appear that such goods are a sufficient security for the sum lent upon the pledge, together with the interest that should grow due.

That such warehouse keeper should from time to time give notes in writing to every borrower, expressing and describing the aforementioned to be the agreed value of the goods so pledged, and also mentioning the sum of money which should be then lent upon such goods, and that all notes so given to such borrower, as aforesaid, should be entered in some book to be kept for that purpose by the book keeper of the said Corporation.

That after such note should be so made, the borrower shall bring such note to the cashier of the said Corporation, who shall file the same, and pay the money, and also give another note for and on the behalf of the Corporation to the borrower, entitling him, or the bearer of such notes, to the redemption of the goods so pledged, upon repayment of the principal money and interest.

That when any borrower shall offer to pay the money lent to him, and interest, as aforesaid, he shall deliver up his note given to him by the cashier, and take back the note that shall have been first given by the warehouse keeper; and upon re-delivering the same to the warehouse keeper, with a receipt thereupon endorsed, for what goods shall be then re-delivered, the borrower shall have his goods again.

That as often as goods, by failure of redemption shall become forfeited, they should be sold by way of auction, and public notice first given thereof; and if upon such auction there remain a surplus of money more than will pay the principal and interest, and reasonable charges, it shall immediately be paid to the prime owner, or the bearer of the note given by the cashier.

That the said Corporation shall have power to have as many warehouses within the bills of mortality, as they shall think fit.

Your Committee observe, that these several Rules prescribed by their charter for pledging of goods, (however well adapted for the purpose) have been either explained away by courts of committees, without the approbation of general courts, or else totally neglected, which has been one of the great causes of the mischiefs which have ensued.

On the 18th of November, 1725, at a Court of Committee, Present, Mr. Oaker, sir John Meres, Mr. Bond, Mr. Grant, sir Robert Sutton, sir Fisher Tench, Mr. Gascoigne, sir Robert Sutton in the chair; John Thomson was chosen chief warehouse keeper.

At a Court of Committee the 9th day of December, 1725, the Securities of Mr. Thomson were referred to Mr. Grant to be examined into.

On the 27th of January, 1725, an assistant warehouse keeper, and a sufficient clerk in the warehouse keeper's office, and also a surveyor of the warehouse, were appointed; and the said surveyor was to have 20*s.* per week, and to be continued weekly, and take an oath impartially to survey the goods.

On the 8th of March, 1725, Mr. Clarke was chosen surveyor of the warehouse; and the second article of the cashier's instructions, direct him to see the goods put into the warehouse, was ordered to be expunged, and to be inserted in the instructions for the accomptant.

On the 6th of February, 1725, Mr. Thomson's securities were approved upon Mr. Grant's recommendation.

On the 21st of February, 1725, an addition was made to the warehouse keeper's instructions.

On the 11th of March, 1725, the Secretary reported that Mr. Grant had perused the warehouse-keeper's instructions, and approved of them.

On the 6th of May, 1726, at a Court of Committee, Mr. Gryll, the cashier at Spring Garden, was ordered to have a lock on the door of the warehouse, distinct from that kept by the warehouse keeper, and to be present, when any thing is put into and taken out of the warehouse.

Your Committee observe, that this Order still subsists; and no pledges have ever been lost out of this warehouse since the said order

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was made; and had the same order still subsisted at the other house, it must have had the same effect.

That on May the 13th following, Present, of the Committee, sir Archibald Grant, sir Fisher Tench, Mr. Bond, Mr. Oaker; Assistants, Mr. Robinson, Mr. Jackson, Mr. Haley, Mr. Hartop, Mr. Lilly, Mr. Squire, Mr. Watts, and sir Archibald Grant in the chair; Mr. Wainwright the accomptant in Fenchurch Street, was ordered to leave his key of the warehouse with Lovell the messenger of the said house, who was to keep the same for the same purposes, and under the same limitations, as it was left with the accomptant: that this was done at the request of Thomson the warehouse keeper.

Mr. *Jeremiah Wainwright* being examined, said, That, in pursuance of the said order, he gave the said key of the warehouse in Fenchurch Street to Lovell the messenger, and believes, he acquainted sir Archibald Grant, that he was not able to keep the key, and perform the duty his office as accomptant required of him; but whilst he had the key, he always went into the warehouse with Thomson. That soon after he delivered the key to Lovell, the Corporation removed from Fenchurch Street to the house on Lawrence Pulteney Hill; and that he has lain there ever since, which is about three years; and believes, Lovell never had a key of those warehouses, nor any one else, but only Thomson.

Nathaniel Lovell the messenger, being examined, said, That he never had a key of a warehouse delivered to him, but has heard Mr. Wainwright say before some of the Committee, since Thomson's going away, that an order was made for the key to be left with him.

Your Committee observe, that by this order this cheque was taken out of the hands of a principal officer in the corporation, and who had given large security for his good behaviour, and ordered to be put into the hands of a mean officer, who had given no security.

On the 13th of May, 1726, Mr. Clarke, the surveyor of the warehouse, was ordered to give an account of his particular observations upon each parcel weekly to the Committee.

On the 20th of May following, Mr. Clarke, the surveyor of the warehouse, was desired to bring his observations in writing upon the insufficiency of the value of some of the pledges, upon which money had been lent at the house in Fenchurch Street, in the same method he has made them on the pledges taken in at Spring Garden; and that the gentlemen who attend in Fenchurch Street to-morrow, do talk with Thomson about the pledges he has taken in.

And your Committee observe, that sir Archibald Grant and Mr. Squire, were the two persons appointed to attend that day; but it does not appear to your Committee, that those gentlemen ever made any report concerning the said pledged; but the order for examination into the sufficiency of pledges was not only neglected, but Mr. Clarke, the surveyor, who had given information of the insufficiency of pledges, was soon after discharged at the request of Thomson, and no surveyor of the warehouses was ever after appointed.

The 27th of September, 1726, Present, of the Committee, Mr. Oaker, sir Archibald Grant, sir John Meres, sir Fisher Tench; Assistants, Mr. Haley, Mr. Lilly, Mr. Squire, sir John Meres in the chair; The Court of Committeee taking into consideration the surveying of the warehouse, resolved that there was no further occasion for the service of Mr. Clarke, surveyor of the warehouse; which Order was confirmed by the court of Committee the 7th of October following, Present, of the Committee, Mr. Oaker, Mr. Bond, sir John Meres, sir Archibald Grant, sir Fisher Tench; Assistants, Mr. Squire, Mr. Lilly, Mr. Jackson, and Mr. Hayley, Mr. Bond in the chair;

Your Committee observe, that from this time all the cheques upon the warehouse-keeper appear to be taken off, and Thomson was left at full liberty to do what he thought fit.

That on the 8th of November, 1726, Present, of the Committee, sir Fisher Tench, sir John Meres; Mr. Bond, Assistants, Mr. Jackson, Mr. Squire, Mr. Lilly, sir John Meres in the chair; the Court of Committee taking into consideration the Regulation made the 2nd of March, 1725, 'That no sum above 1,000*l.* be 'lent upon any one pledge at the house in Fen-'church street;' it was resolved, "That any one of the Committee or assistants, attending in the said house, be impowered to authorize by any writing under his hand, the respective officers of the said house to lend more than 1,000*l.* upon one pledge at any time, when the necessity of the borrower does require it, or he shall see other sufficient cause to do it."

At a Court of Committee the 18th of November, 1726, Present, of the Committee Mr. Bond, sir Robert Sutton, sir Fisher Tench; sir Archibald Grant, sir John Meres; Assistants, Mr. Squire, Mr. Jackson, Mr. Hartop, Mr. Lilly; sir Robert Sutton in the Chair; It was ordered that all Borrowers might negotiate their business with this Corporation, either by themselves, or such brokers, as they think proper; and that copies of this Order be put up in the office.

The consequence of which Order, your Committee observe, was, that very great sums amounting to 320,101*l.* 19*s.* 3*d.* were lent to brokers, a particular account whereof is hereunto annexed, and was one of the great sources, from which these great Losses have arisen.

The 28th of July, 1727, Present, of the Committee, Mr. Bond, Mr. Burroughs, Mr. Mann; Assistants, Mr. Beake Mr. Torriano, Mr. Squire, Mr. Oaker; Mr. Bond in the Chair; It was ordered, That Mr. Thomson may lend as far as 2,000*l.* upon any one pledge, and any further sum, with the approbation of the Committee.

That on the 28th of June, 1726, the Accomptant was ordered to prepare, and lay before the Committee every week, an account

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of the pledges that were forfeited to this Corporation.

On the 8th of July following, Thomson, the warehouse keeper, was ordered to prepare weekly Catalogues of the goods, which from time to time became forfeited for want of redemption.

At a Court of Committee the 3d of March, 1726, it was ordered, That the Committee of Accounts do inquire into all Pledges made to this Corporation; and that they make a Report relating to redemptions, or goods remaining in the warehouses, with all incidents attending the same.

At a Court of Committee the 11th of April, 1727, it was ordered, That an account of all the pledges made to the Corporation, be entered into a book to be always laid upon the table, when the Committee of accounts, or the gentlemen that attend at the house in London, for each day respectively do meet there: That the dates of the times when each pledge is taken in, and place where the same is deposited; and also that the several redemptions, and renewals, from time to time, be particularly set forth in the said account.

This Order, however necessary for the preservation of the Corporation, your Committee observe, was never complied with, though the Committee of accounts were frequently reminded of it by Mr. Higgs their Secretary, whose duty it was so to do; but instead thereof, they took upon them, without the privity of a court of Committee on the 26th of September following to order, that it shou'd appear upon each certificate, where the pledge was lodged.

But this Order likewise was never complied with, but in one or two instances, and has long since been discontinued.

Your Committee perceiving by the General Account laid before them, that a very large sum amounting 396,060*l.* 11*s.* 8*d.* ½, was charged to have been lent on Pledges, proceeded to enquire into the reality thereof; and Mr. James Milne, and Mr. Thomas Leafe, being severally examined, said, that they were, upon Thomson's withdrawing himself, appointed with others to take an inventory of the goods at the Charitable Corporation house on Lawrence Pountney hill, and the out warehouses belonging thereto; and that they made a computation of such goods as had pledge numbers and were redeemable, which amounted to about 25,000*l.* principal money; and such goods, for which no pledge numbers could be found, were appraised, and amounted to about 15,000*l.* And Thomas Leafe farther said, That, to the best of his knowledge, goods had not laid longer than two years without being renewed, and paying the interest and charges.

Thomas Warren said, That Richard Woolley, and he, had been employed by the Corporation, as assistants to the warehouse keeper, to lott out goods for public sales; That when he first attended, goods were chiefly pledged in the examinant's and Woolley's names, and frequently unknown to them: That they were permitted by a Committee of accounts to disperse handbills, importing, that persons applying to Messieurs Woolley and Warren, might have their goods pledged with the utmost dispatch and secrecy; and pursuant thereto their names were made use of as the nominal pledgers; that when the examinant pledged any goods for any person, he received 5*s.* per cent. commission for so doing, and delivered the defeazance on such bill of sale to the person the goods belonged to; but that numbers of pledges have been made in his name, which he knew nothing of, or ever saw the goods; that he has been frequently sent for by Mr. Tench to sign bills of sale, weeks after the money had been received by Thomson; and at the same time asked Tench if goods were deposited for them; Tench replied, he could not tell, Mr. Thomson brought them to him: Upon which the examinant asked Thomson, if there were goods to answer such bills of sale: Thomson replied, they were in warehouses abroad, that they had great numbers of them, and shewed him a great number of keys labelled, which Thomson said belonged to outwarehouses. The examinant farther said, That one Mr. Jones had an office likewise there, and that his (Jones's) servant, signed such Bills of sale. That the examinant has not signed bills of sale for two or three years past, or ever gave Francis Thomson leave to sign any Bill of sale for him; That he did once pledge woollen goods on his own account for 500*l.* which were deposited in the office: but never knew of any fictitious pledges in his name: And said, he pledged for Mr. George Robinson sundry goods in the names of the examinant and Woolley, of a large value; but they were a sufficient security for the money borrowed on them; That the Corporation had lent more than two thirds of the value on goods; and particularly on plate, at 5*s.* per ounce.

Mr. *Richard Woolley* being examined, said, That about September or October, 1727, he, and Thomas Warren, were appointed by the Committee of the Charitable Corporation, to be assistants to Thomson, their warehouse keeper, at public or private sales: That he acted as a broker for persons that wanted to borrow money of the Corporation, and generally took 5*s.* per cent. for so doing: and has not attended, or acted as a broker at the said office for three or four years past: That he has frequently had commission from the said borrowers, to sell goods out of the office at private sales: That, when the goods have been pledged in his name, and with his privity, he always gave the defeazances to the borrowers: That he seldom received any ready money on pledges; but sometimes his servant, and generally the person he pledged for, received the same, and his name has been frequently made use of to screen the real borrowers: That Bills of sale have been made out in his name, when he has known nothing of it; He has signed

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Bills of Sales frequently at Thomson's request; and has been called on by the cashier to sign certificates a fortnight or three weeks after the cashier had paid the money to Thomson, as the cashier informed him: That he never took away any defeazances, unless the goods were pledged by him; and remembers but few pledges that exceeded 4 or 500*l.* That he has pledged goods of his own, and his servant received the money: That he never scrupled signing any Bill of Sale or defeazance, when Thomson required him; but never had any consideration for so doing: That he believed sir Archibald Grant, Mr. Squire, and most of the directors, knew that he signed his name without seeing the goods, particularly Mr. Squire: That he never signed a blank bill of sale: That when he has signed bills of sale, he did not know they were fictitious, Thomson saying, That he had goods sufficient to answer the money lent: And being shewn a bill of sale, signed with his name, he said, he did not know the hand: And he further said, that he never gave Francis Thomson, his servant, leave to sign bills of sale in his name, or ever knew that he did: That he, the examinant, believes, that Mr. Squire, Mr. Burroughs, and sir Archibald Grant, must know, that bills of sale were signed, for which there were no pledges; and that he has often asked Mr. Squire (who lodged with him) whether there were real pledges to answer the money lent, who said, Mr. Thomson was a very honest man, and in good circumstances; and that there were sufficient pledges in many out warehouses: That he has known goods of David Avery's pledged in his and Warren's names, which were not at the office at the time of pledging, but has afterwards seen large quantities of hollands and cambrick brought to the office, which he believed were Avery's, or the person's he was concerned for.

Your Committee think proper to observe, notwithstanding the declaration of the said Woolley and Warren, large sums of money appear to be lent in their names, for which there are no pledges.

Francis Thomson, servant to Richard Woolley, being examined, said, That in the month of May 1729, he, by the order of John Thomson, signed twelve or fourteen blank bills of sale, defeazances, and receipts, for messieurs Woolley and Warren, the said Woolley being then partner with Thomson; and the pretence was, that if the examinant was out of the way, and the person should come to renew a bill of sale, it could not be done. He further said, that he had signed fifty more for any names Thomson pleased to order him, and remembers two of them were in the names of Thomas Warren and George Cruikshanks, who lives at Petersburgh: That Woolley has been in the room, and also captain Burroughs, and Mr. Squire, when he has signed such bills of sale: That John Thomson used to sign the certificates to the cashier for the payment of money to himself before the bills of sale were signed; and that Mr. Tench, then cashier, has sent for the examinant to sign the bills of sale three or four days after Thomson had received the money on such bills of sale; That being asked, if real goods had been pledged for the bills of sale he had so signed, he answered, he could not say there were real goods pledged; and several receipts signed being shewed the examinant, and asked, if he knew the hand, he said, it was David Avery's.

David Avery being examined, said, That he has pledged goods in the names of Woolley and Warren, and other brokers, for large sums of money, to the Corporation: That he has signed defeazances for the renewal of goods, at Thomson's request, but never saw the goods: That he has borrowed to the amount of 16 or 20,000*l.* upon real pledges, and had defeazances for such goods: That from the 28th of July, 1727, to the 17th of July, 1729, he pledged sundry goods in his own name, which were deposited in the company's warehouse; and he never made up any account upon redemptions but with Thomson: That he never paid any money to the cashier or settled an account with him; but has received money from him; That he has given leave, at John Thomson's request, to Francis Thomson, to sign bills of sale, certificates, and defeazances, in his name; and the said defeazances have been delivered to John Thomson; and he has impowered the said Thomson to sell his goods, or any part of them, by public or private sales, and has left bills of parcels with him for that purpose: And that the said Thomson would never deliver his goods without having money or bills on such persons as he liked, or an exchange for other goods of the same value: That the said Thomson generally made up the examinant's account of interest and charges on redemptions, and received the money; but sometimes, when busy, would send his servant to the accomptant, to make it up; but Thomson received the money, and delivered the goods.

An Account being shewn him of goods pledged in his name, amounting to 16,084*l.* 3*s.* 8*d.* he said, That to the best of his knowledge, there were real pledges for that sum; but added, that he had signed bills of sale at Thomson's request, when he did not know that there were real goods for such pledges. And that he has borrowed money upon pledges in his own name, when the pledge has been other people's, and has given them the money, and defeazance: That he has several times renewed pledges, and has paid the interest and charges due thereon: And said, that if the goods are not to be found in the warehouse that he pledged, they must have been sold or otherwise been disposed of, he often having left defeazance in Thomson's hands to impower him to sell the goods.

A Bill of sale being shewed him, he owned he had signed it, but did not see the goods specified in the said bill, and is not sure but they may be the same goods, which were about three years ago pledged to the Sword Blade

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company at 11 per cent. charges included, the defeazance for which he gave to Thomson, and desired him, if he found them a security for more money, to redeem the same, and let him have the surplus; and some time after Thomson told the examinant, he had redeemed them, and the goods were sold, but the surplus is not accounted for.

David Faikney, servant to John Thomson, being examined, said, That he was employed by the said Thomson to fill up bills of sale, certificates, and defeazances; and when he was out of the way, the same were filled up by Thomson and Leafe; and has seen but few bills of parcels for large sums: That he has known goods brought in, on which 1,000*l.* or 1,200*l.* has been lent, particularly cloth: That Thomson has given him notes of the sum, person's names, and quality of the goods, from which he filled up bills of sale, certificates, and defeazances, and from thence entered them into the pledge book; and Leafe used to do the same. The examinant further said, That, when he had made out such bills of sale, by order of Thomson, the said Thomson has sent for Francis Thomson, servant to Woolley, to sign the same in the names of Woolley and Warren; and that they both knew of it, and used to sign such bills of sale, till within these 12 months. He likewise said, That about two years ago, a large sum of money was lent on indigo, and asking Thomson, why it was not brought to the Corporation house, he said, the proprietors rather chose to have it in their own warehouse: That at another time some cochineal was pledged, and the examinant said, it would be much safer in their own warehouses, than it would be abroad; upon which Thomson told him, He had nothing to do to trouble himself with affairs abroad; which discouraged him from saying any more, he not being willing to be turned out of his bread. Being asked, if pledges had not been sufficient; he said, That after the last sale, when people brought in their defeazances, in order to receive their surplusses, he made out an account of their pledges; and some of them proved deficient: That Thomson had asked the examinant to sign bills of sale; but he refused.

Thomas Leafe being examined, said, That David Avery was with Thomson three or four times a week, and used to pledge great quantities of goods to the Corporation, which were deposited in Warehouses, of which Thomson had the keys; and believes, Avery generally lodged goods for the money he borrowed: That Woolley and Warren were great borrowers; but does not know whether goods were pledged for the money so borrowed; that when pledges were taken in, Thomson was always present; and when the borrowers have come to redeem them, they were brought down by Faikney; that he has filled up bills of sale by order of Thomson in the names of Woolley and Warren, but never signed such bills, without their being first filled up; that the bills of sale were filed in Thomson's office, and the certificates and defeazances sent to the cashier, and not to the accomptant; and that whilst the affair of the Corporation was depending in the House of Commons last session, it was intended to change the old method of their bills of sale, certificates, and defeazances, because they would not tally with the alteration of the interest made by the said House, which the Committee designed to follow; at which time large sums of money were lent upon pledges, for which no defeazances were given, and the certificates were cut from the bills of sale, without marking the number of the cheque side by Thomson himself, or by his order, who he looked upon to have the management of the Corporation: That he has signed defeazances, as if the goods were his own, by Thomson's order, it being the method of the office: but could not say, whether there were goods pledged, or not; that plate, linen, and other things, have been pledged in his name, particularly 608 pieces of dowlas for one Jenkins a goldsmith, by the order of Thomson; but he never received any money upon his own account from the cashier.

And he further said, That in looking over Mr. Tench's cash book, he saw several draughts on Robinson for large sums of money, and believes, they were drawn by fictitious certificates signed by Thomson; and such draughts have amounted to near 200,000*l.* and sometimes the certificates have been sent up to Robinson, who gave Thomson credit for them, and debited the Corporation; by which method those large accounts arose. The examinant believes, the directors did not know of fictitious pledges being made by Thomson, until he went away: He likewise said, That upon looking over Mr. Tench's cash book, he observed when payments of large sums of money had been made on shares, fictitious certificates have been signed by Thomson, as if there were real pledges, and carried to the Cashier; upon which large draughts have been made on Robinson, and frequently such certificates have been sent up to him, by which means Robinson has been enabled to pay in the money on his shares.

That Thomson has frequently given certificates to Robinson, to enable him to make up his account with Tench, and he believes several fictitious pledges have been made in his (Leafe's) name, and he has signed the same by Thomson's order; and does not believe all the fictitious certificates made by Thomson were sent to Robinson, but other people had some of them: That he has heard captain Burroughs say, that Robinson had drawn out large sums of money, and had employed the same in the copper works with sir Thomas Mackworth; and believes he meant the Corporation's money.

That Avery and Leake borrowed of Thomson 4,537*l.* 17*s.* 9*d.* without any pledge, for which they were to pay 10*l.* per cent. and that large sums have been lent to Woolley and Warren in the same manner.

That Thomson advanced 12,000*l.* on the Morven mines in Scotland, and 4,000*l.* on the mines in Norway; that there was an account

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between sir Archibald Grant and Thomson, in which sir Archibald had but small credit for several years, and the debit side amounted to upwards of 10,000*l.* and no interest charged for the same.

And the examinant upon a further examination said, That Mr. Squire, Mr. Burroughs, and sir Archibald Grant, and believes Mr. Tench, knew of such fictitious pledges: and believes not any other gentleman in the direction knew of it.

David Faikney, being again examined said, That he apprehended, that for the bills of sale made out for large sums in Woolley and Warren's name, the pledges were fictitious. That Thomas Hodgson, servant to Mr. Robinson, used to come to Thomson's office, and acquaint him, that, 5, 8, or 10,000*l.* notes would be due on particular days, and desired, he would make provision for them; upon which Thomson has given the examinant old defeazances, and ordered him to renew them, by making out on them new bills of sale, certificates, and defeazances; When the examinant had so done, he used to carry the old defeazances, which were in Woolley and Warren's names, to the accomptant's office, in order to have the interest and charges cast up, and then left the new and old defeazances upon Thomson's desk, for him to settle with Mr. Tench the cashier; upon which new notes were issued out to enable Robinson to take up the old ones.

Mr. *John Richardson*, clerk to the cashier, said, That when renewals of pledges have been made, he has asked Thomson, why the certificates have not been signed; Thomson replied, That was only form; that Thomson paid him the interest and charges on such renewals, and he delivered up to Thomson the old certificates: That Thomson paid him at one time 7,000*l.* for interest and charges on renewals of pledges, part of which sum, upwards of 3,000*l.* was new pledges; Part was an account of about 1,400*l.* allowed him for charges expended last session of parliament, and the remainder was in money.

Thomas Hodgson, clerk to Mr. George Robinson, said, that the said Robinson did about the month of September, 1730, borrow of the Charitable Corporation the sum of 22,000*l.* in the examinant's name, but unknown to him, and ordered him to go to the Corporation, and sign the Bills of sale, and defeazances; and that he, the said Robinson, would take the certificates himself, for he had given Thomson security: and the said Robinson afterwards brought six certificates to the examinant, amounting to about 21,000*l.* and ordered him to carry them to Mr. Tench, the then cashier, and see them discharged off the debit side of the book. And being asked if he knew of any goods pledged by Mr. Robinson, said, he remembered about forty pipes of indigo, worth about 4,000*l.* and is not sure if there was not some cochineal; but knows of no other goods pledged by the said Robinson.

Jeremiah Wainwright, Cashier to the said Company, said, That he never carried up to the Committee any certificates for pledges, and believes, his predecessor Mr. Tench never did. That he had nothing to do with the warehouse-keeper's office, but always believed, there were real pledges, and never had any suspicion of fictitious pledges being made, till since Thomson went away. That he shewed captain Molesworth in his office an account of all the pledges unredeemed at Lady Day 1731, in a little stitched book, wherein was principal and interest; and pointed out to him several large sums that had been due a long time; and told captain Molesworth all the old pledges should be redeemed or renewed, which would bring in a considerable sum of money, to pay the dividend. Captain Molesworth carried the said book to Thomson, and left it with him; and the said Thomson promised the said pledges should be redeemed or renewed accordingly. That he used to enter the pledges generally from Mr. Tench's book, and examined the same monthly with Mr. Tench by the certificates; that he did so until the end of April last; that there were certificates for all the pledges to that time: that he never took notice of the receipts on the back of such certificates not being signed (he looking only on the face of such certificates) till since Thomson went away, when they were examined in the presence of Mr. Grove, one of the inspectors, and a notary public.

Thomas Leafe, being again examined, said, That for three years past there has been want of money at the Corporation House at different times, and since the obtaining of the last licence for the enlargement of their capital, money has been scarcer than formerly; and has heard it often said amongst the officers, that there was not money sufficient to supply the borrowers, That in the year 1727, when Robinson came into the Corporation, money was begun to be drawn out by Thomson on fictitious pledges.

Thomas Jones said, That he did go to sir Archibald Grant's on the Monday before the city petition was presented to parliament against the said Corporation, at Warren's request, and acquainted sir Archibald, that he was drawing a case of the mismanagements of the Corporation, and the abuse of their charter. Sir Archibald was surprised, and told him he hoped, he, Jones, would assist them, now all the world was upon them; that he had put them in a method, and they had had good success. The examinant replied, That he did not know what success they had had, but he had a paper in his bosom he was going to print; that he would not assist them, but would appear against them. Sir Archibald replied, If he had any demands on the company, he should apply to them; and desired him not to print his case. That then one Mr. Waller came into the room, in whose presence he gave sir Archibald several hints, viz. That the Corporation was abused by private sales; that their warehouse was a public shop; that a great deal of money was lent on fictitious certificates; that if the warehouse keeper certified he had goods to the cashier, he could receive the money directly. Sir Archi-

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bald told him, it was a mistake; that he was sure it was no such thing. The examinant insisted that a Committee should be called, that he might acquaint them therewith. Sir Archibald said, they were in a hurry, and it could not be; but there was one called that evening, and he was summoned to attend it; at which were present, Mr. Molesworth, Mr. Benjamin Robinson, and Mr. Langton a proprietor, but not in the direction: he produced a case, and read part of it, and then told them the several mischiefs that attend the company, by the power reposed in Thomson in concert with captain Burroughs, Mr. Squire, and one or two more, and how they might remedy it; for that it was in Thomson's, and one or two of the directors power to run away with the company's cash.

That the examinant did meet Mr. Burroughs and Squire at sir Fisher Tench's request at the Pope's Head Tavern in Cornhill, and to them read his case; they said, there was nothing in it; but Burroughs likewise said, he had commission from the committee to compromise all matters with him, and appointed to meet at the Bell Tavern in Nicholas Lane in the evening; which he did; that a bond of 4000*l.* was prepared for the said Burroughs to enter into, that the Corporation should abide by an award mentioned in the said bond; but Burroughs refused to sign the same, but gave the examinant a note of his hand for 500*l.* in part of satisfaction for his demands, which he promised to re-deliver to him upon performing several conditions mentioned in a defeazance signed by him at the same time; that he has received the said note.

Thomas Warren said, That when the Corporation was before the parliament last year, he believes captain Burroughs, or sir Archibald Grant, sent him to Mr. Jones, whom he found to be their enemy; and he told them of it; but he heard afterwards, they had made him easy; and to the best of his remembrance captain Burroughs, or sir Archibald Grant, told him so.

Your Committee finding a very great Debt created by notes, amounting to 101,115*l.* proceeded to inquire, how the same had happened, and find, that the first entry in the books concerning notes since the re-establishment of the Corporation, is at a Court of Committe held the 18th of February, 1725, Present of the Committee, Mr. Oaker, Mr. Grant, sir Fisher Tench, Mr. Bond, sir John Meres; sir John Meres in the Chair, A form of a Cash note was then settled. That at a Court of Committee held the 24th of February, 1725, the Cash Note was amended. That on the 2nd of March following, the Court of Committee ordered 1,000 Cash Notes or Bills to be printed. That the 11th of the same month at a Court of Committee, Present, Mr. Oaker, sir Fisher Tench, Mr. Bond, sir John Meres, Mr. Grant; sir John Meres in the Chair; the said Cash Notes were directed to be made payable to Mr. Jeremiah Wainwright then accomptant, and he was to indorse the same.

The 31st of March, 1726, the cashiers were ordered upon the Tuesday following, and so upon every Tuesday successively, to give an account to the Committee of the cash by each of them received and issued, and produce the balance then in their hands respectively.

Your Committee observe that this Order was never complied with, and if it had, such large sums of money would not have been embezzled by the warehouse keeeper or cashier.

That on the 15th of July, 1726, Present, of the Committee, sir Fisher Tench, sir Archibald Grant, Mr. Oaker, sir John Meres; Assistants, Mr. Lilly, Mr. Squire, Mr. Robinson, Mr. Jackson, Col. Gardiner, sir Archibald Grant in the Chair; The court of Committee ordered, that the cash notes bear 3*l.* per cent. interest.

That on the 19th of the said July, Present, of the Committee, Mr. Oaker, Mr. Gascoigne, sir John Meres; sir John Meres in the Chair; Upon a debate at the Court of Committee concerning a contract proposed to be entered into with Robe and Jones, concerning the circulating the Corporation notes, it was resolved, that the Committee could not legally enter into any agreement with any person or persons for circulating their notes.

Notwithstanding which, on the 19th of August following, Present, of the Committee, sir Fisher Tench, sir Archibald Grant; Mr. Oaker, Assistants, Mr. Robinson, Mr. Squire, Col. Gardiner, Mr. Hartop, Mr. Lilly, Mr. Jackson, Mr. Hayley; sir Fisher Tench in the Chair; the Committee executed a Deed with Jones for circulating their notes.

Thomas Jones, auctioneer to the said Corporation, said, That in the year 1726, he entered into a contract with the said Corporation to borrow 60,000*l.* per annum, and was to pledge goods for the said sum of one-third more than the value, and was to pay 5*l.* per cent. for the money, and 5*l.* per cent. for the charges, and was to take 30,000*l.* of the company's notes in part of the said sum, at an interest of 3*l.* per cent. and was to be allowed 2*l.* per cent. for circulating all notes issued by the Corporation, at 3*l.* per cent. And the cashier was to produce his book every week of all notes issued, if he required him, and likewise their cash book, for his satisfaction: That he was to be allowed 20*s.* per diem during the time of each sale, and half the commissions taken by the company for selling such goods, which was 2*l.* per cent. after deducting all charges, in which charges the 20*s.* per diem was included: That the said contract was to continue for seven years; but for greater certainty he referred himself to the said contract; a copy whereof is hereunto annexed. (No. 5.)

That some time after he found he was greatly injured by the Corporation's private sales, and complained thereof to sir Robert Sutton, Mr. Lilly, Mr. Squire, sir John Meres, and Mr. Benjamin Robinson, and gave orders to his Attorney, to file a bill in chancery against the Corporation, and particularly to make Mr.

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Burroughs, Mr. Squire, Thomson, Woolley, and Warren, parties thereto, who were the persons chiefly concerned, and who received the profits of such sales; and that he intended filing the said Bill about two months before the petition was presented by the city, the last session of parliament, against the said Corporation: That in the same year, he applied to several persons of his acquaintance to exchange Corporation notes for money, with good success, in order to assist him to carry on his contract with the said Corporation.

That in pursuance of his contract for circulating notes, he thought it necessary, an office should be assigned him in the Corporation house (which was accordingly done by the Committee and assistants) that he might register all notes, and be satisfied, that no notes were issued without a pledge, in order to secure the money advanced on the said notes: That if this method had been pursued, the proprietors would have been safe, and affairs carried on with advantage; but some of the Committee and assistants told him, unless he would comply with some offers they proposed, they would make his contract not worth one shilling.

Being asked, what offers he understood those to be, he said, a share in the profits of his contract, which he refused; and from that time they endeavoured by all artifices to defeat him in the prosecuting of this affair; that in order thereto, they made Richard Woolley, and Thomas Warren, assistant warehouse keepers, and appointed them an office adjoining to the street door, in order to prevent him and his servant from seeing what pledges were brought in, his office being at the farther end of the warehouse, where he entered all pledges brought in, for which any notes had been delivered, he being only to circulate the same; that he complained of this to Mr. Squire, Mr. Lilly, Mr. Jackson, sir Archibald Grant, Mr. Bond, Mr. Burroughs, and Mr. Mann, but could never get any redress; that Woolley and Warren were at that time in mean circumstances, having been lately cleared by the act of bankruptcy, though they soon after became great men.

That on the 6th and 9th of September 1726, the form of the note was finally settled, a copy of which is hereunto annexed.

That at a Court of Committee, the 18th of November, 1726, Present, of the Committee, Mr. Bond, sir Robert Sutton, sir Fisher Tench; sir Archibald Grant, sir John Meres, Assistants, Mr. Squire, Mr. Hartop, Mr. Jackson, and Mr. Lilly, sir Robert Sutton in the Chair;

It was ordered, That Mr. Tench, their cashier, do draw the cash of this Corporation out of the hands of Mr. Pepys, and lodge the same in the hands of Mr. George Robinson; and that the cash of this Corporation be for the future lodged in his hands till further order, to be drawn out by the cashier, as occasion shall require it.

That at a Committee of Accounts the 17th of January, 1726, the Cash Book was ordered to be kept in the manner and form it then was, with this addition, that a balance be struck every last day of the month, and carried forward to the succeeding month.

That the Monthly Cash be examined by the Committee or assistants, and every article passed in the debtor or creditor, signed in the margin by the examiner, and that the vouchers be marked in the same manner, if necessary to be kept, and that the notes paid off be cancelled and filed.

That on the 1st of March, 1728, Present, of the Committee, Mr. Burroughs, sir Archibald Grant, Mr. Oaker; Assistants, Mr. Jackson, Mr. Moody, Mr. Benjamin Robinson, and sir Archibald Grant in the chair; A Court of Committee executed an Agreement for circulating their notes with George Robinson, esq. That your Committee do not find any order made by a general Court for making notes, or circulating the same, or approving such, when made, or any contract for circulating them.

Thomas Leafe said, That he has filled up some hundreds of promissory notes for value received per a pledge in the cashier's and his own office for large sums of money, by Thomson's order, for twelve months, beginning 1726 to Midsummer 1730; and has seen captain Burroughs, Mr. Squire, and others, sign such notes singly by themselves with the initial letters of their names: and said, that he used to fill up Corporation notes; that the accomptant generally signed them first, then one of the Committee, or assistants, and then the cashier; that he always carried them to the cashier's office, when so completed, and has frequently seen Thomson have such notes in is hand.

Jeremiah Wainwright said, That he has carried notes paid off, to the Committee, which he believed were filed, and the books discharged. That about the middle of May last, Captain Burroughs, Mr. Squire, and Mr. Jackson, came to Mr. Tench, and ordered him to fill up notes to the amount of 60,000*l.* which he did, part one day and part another; that Mr. Tench signed them, and they ordered the examinant to sign them likewise, but he refused it, saying, there was no occasion for him to sign them, till they were issued out; that he believes, they were dated the same day they were filled up, and those gentlemen said, they were to be locked up in an iron chest in the said room; that he left them in their custody, but did not see them locked up, but believes they were never issued; that he has heard sir Robert Sutton, and others of the Committee say, the said notes were filled up by consent of the Committee; and he believes, the said notes were made to exchange for old notes which were or should become due, to keep up their credit, cash being low at that time, and not sufficient to discharge such notes as became due; that the said notes were not made out on pledges, and had no pledge marks on them. Being asked, if sir Robert Sutton was present, when the said notes were filled up, he answered, he was certain sir Robert was not present, but he has heard sir

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Robert Sutton declare, that he, captain Molesworth, and others, were present, when the said notes were burnt.

Thomas Warren said, That he has sold, for Robinson, Corporation notes payable in six months to the amount of 170,000*l.* and notes payable in twelve months to the amount of 200,000*l.* some of which have been taken in and delivered out again, which makes the sum so large. That he knows of no notes of a later date than January 1730.

David Faikney said, That he has seen Thomson have quantities of the Corporation's notes in his custody, and had a jealousy, that he made use of the Company's money, but believed he had an estate to answer it. That on the 20th of March, 1730, at a court of committee, an order was made, that no more notes should be issued; in pursuance of which another order was made that the blank notes should be delivered to the Committee of Accounts, to be by them locked up in the iron chest.

And by the evidence of Mr. John Torriano, one of the assistants hereafter mentioned, it appears, That the key of the said iron chest, was put into another chest, to which there were two locks; the key of one of them was delivered to Mr. Burroughs, and the other to him, which he kept till the 11th of May following, when he was pressed to deliver the same by Burroughs and Squire, who told him that at a meeting the night before at sir Archibald Grant's it had been resolved to issue 80,000*l.* notes. That he refused to deliver it, urging several reasons against it, and particularly, that Corporation notes could not be struck but upon pledges, and asked, whether they had now an offer of Pledges for 30,000*l.* Squire answered, no, but that these notes being dated before the time limited in the Bill, they might be kept, till they were wanted; he thereupon absolutely refused to do it; but as soon as they were gone; he wrote a Letter to sir Robert Sutton, and enclosed his key in it. The said Letter is as follows; viz.

"To Sir Robert Sutton.

"The inclosed key is one of them which belong to the box, in which are the keys of the iron chest; the notes were by order of a court of a committee locked up therein, upon a resolution taken and entered in the books of the Corporation, not to issue from and after that day any more notes. This resolution (as I humbly conceive) cannot be broke into or reversed, but by the same authority which made it; and therefore, as I am confident, it is irregular to issue any more notes at all, and much more so without reversing that order upon the books in the same manner and form in which it was made, I shall not scruple to enter my protest thereto, or at least to declare, that I will not deliver out the note books myself, nor have any hand in it, because it is as dangerous as it is an unwarrantable proceeding. My good friend Mr. Squire tells me, it was resolved to issue out 80,000*l.* notes; I knew not of any such resolution before; and though I greatly respect and love him, I must beg his and every other gentleman's pardon in this case; when I have delivered up the key, I am well aware they may issue 100,000*l.* without my knowledge, and they will be very glad, when they are at liberty so to do, without letting me know any thing of it; but then what I am ignorant of I am not accountable for. But that I may not hereafter be chargeable with this fact, and to remove from being obnoxious and troublesome with my scruples to the Society, I shall be willing to give them this satisfaction of my resignation.

"They will say it is because I have notes of my own (about 5,000) that I am fearful of lessening the security of them by increasing the company's debt. This may be one reason, but the apprehension, that these notes of so late a date may come abroad into the world, and occasion a further inquiry, is the principal one. But I heartily beg your pardon for so freely delivering my sentiments to you, and shall detain you no longer than to assure you, I am, &c. May 11, 1731.

"P. S. Sir, I know Mr. Robinson has very large cash in his hands, near 50,000*l.* which if he were obliged to pay, would supply the want of notes."

That at a Court of Committee the 15th of May, 1731, present, of the Committee, sir Robert Sutton, sir Archibald Grant, Robert Mann, and William Burroughs, esq.; Assistants, Mr. Benjamin Robinson, Mr. Squire, and Mr. Beake, sir Robert Sutton in the chair; The key of the box, which had been sent by Mr. Torriano to sir Robert Sutton, was ordered to be delivered to Mr. Squire. Soon after which, the 60,000*l.* notes before mentioned were coined.

Your Committee finding a Debt due of 44,400*l.* by bonds, proceeded to inquire into the same; and the first account they find of this Corporation's dealing in bonds, was a Treaty entered into between this Corporation and the York Buildings Company, in the year 1724, for the York Buildings Company to lend to this Corporation 100,000*l.* in bonds, which were to be exchanged for ready money; but that treaty, by the advice of council, not taking effect, nothing more was done in bonds untill the 6th of July, 1731, Present, of the Committee, sir Archibald Grant, Mr. Molesworth, captain Burroughs; Mr. Bond, Mr. Mann, Assistants, Mr. Jackson, and Mr. Squire, sir Archibald Grant in the chair: When a Copper Plate was ordered by the Court of Committee to be made for the printing of Bonds, for the use of the Corporation, for the sum of 100*l.* each. And accordingly on the 15th of July, 1731, at a court of Committee, Present, of the Committee, sir Archibald Grant, Mr. Bond, Mr. Burroughs; Assistants, Mr. Beake, Mr. Squire, Mr. Benj. Robinson, sir Archibald Grant in the chair; The Corporation Seal was affixed to 100 bonds of 100*l.* each That on the 19th of the said July, at a

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Court of Committee, Present, of the Committee, sir Archibald Grant, Mr. Burroughs; Assistants, Mr. Jackson, Mr. Benj. Robinson, Mr. Squire, Mr. Beake: sir Archibald Grant in the chair; the seal was affixed to 100 bonds more of 100*l.* each.

That on the 20th of the same July, at a Court of Committee, Present, of the Committee, sir Archibald Grant, Mr. Burroughs, Mr. Bond, Assistants, Mr. Moody, Mr. Benj. Robinson, Mr. Jackson, Mr. Squire; sir Archibald Grant in the chair; the Corporation's Seal was affixed to 100 bonds more of 100*l.* each.

That on the 17th of August, 1731, at a Court of Committee, Present, of the Committee, sir Archibald Grant, Mr. Burroughs; Assistants, Mr. Beake, Mr. Jackson, Mr. Moody, Mr. Waller, Mr. Squire; capt. Burroughs in the chair; the Corporation's Seal was affixed to a hundred more bonds of 100*l.* each.

That on the 10th of September, 1731, at a Court of Committee, Present, of the Committee, sir Robert Sutton, Mr. Molesworth, sir Archibald Grant, capt. Burroughs; Assistants, Mr. Jackson, Mr. Waller, Mr. Beake, Mr. Moody; capt. Burroughs in the chair; that the Corporation's Seal was affixed to 100 bonds more of 100*l.* each.

Your Committee observe, that they assumed to themselves this power of creating bonds, without the least colour of authority from their charter, or any direction from the general court, and affixed the seal to some of them, without a sufficient number of committee men required by charter to do a corporate act.

That the only pretence for creating and issuing such bonds, was to pay off their old notes, and to evade a promise made to the House of Commons last session of parliament, that no more notes should be issued after the 15th day of May last.

Jeremiah Wainwright said, That by order of the court of Committee of the 8th of Oct. 1731, he delivered 4,000*l.* Corporation bonds to George Robinson, esq. and had a receipt for the same from Thomas Hodgson his servant, dated on or about the ninth of October: That most of the said bonds were dated the preceding month: that he delivered by order of the said Committee 3,000*l.* in bonds to Thomas Warren, who used to exchange the same for the Company's notes, which were become due.

Thomas Warren said, That he had bonds issued to him by order of the Committee, which bonds were to take up the Company's notes, which were due or should become due.

John Herring, esq. being examined, said, that he received 2,000*l.* in Corporation bonds of Denis Bond, esq., for which he gave him in exchange five Corporation notes, and the remainder in money to complete that sum.

That the examinant went to Mr. Bond's house, and he carried the examinant to Randall's coffee house, where he staid till Mr. Bond came back; and, as they were returning through the city, Mr. Bond pulled out of his bosom or pocket a large parcel of bonds, and took those out from amongst them, and believes, there might be as many more, and apprehends he received them during the time he left the examinant; That, since this affair happened, he applied to Mr. Bond, and told him, he had not checqued the bonds, and hoped, he would relieve him, but Mr. Bond said, he exchanged notes for the same. And the examinant apprehends said Mr. Bond had picked up notes to exchange for the same.

Mr. *Jeremiah Wainwright* said, That he exchanged bonds amounting to 4000*l.* with Mr. Bond, for the same sum in due notes, which he supposed were his own; and believes, he went to Mr. Bond's house to exchange the same.

Your Committee then proceeded to inquire what Dividends had been made, and do not find that any have been made before the 14th of November, 1727, at a general court, Present, of the Committee, Mr. Burroughs, Mr. Bond; Assistants, Mr. Squire, Mr. Benjamin Robinson, Col. Gardiner, Mr. Geo. Jackson, Mr. Torriano, Mr. Beake, Mr. Oaker, and Mr. Charles Waller; Mr. Burroughs in the Chair: Mr. Burroughs from the chair acquainted the Court, that, the Committee and Assistants having cast up the books, a dividend might be declared of 3*s.* per share for all the money paid into the fund before the 22nd of July last.

That on the 30th of April, 1728, at a General Court, Present, of the Committee, Mr. Oaker, sir Archibald Grant, Mr. Burroughs, Assistants, Mr. Beake, Mr. Benjamin Robinson, Mr. Whichcote, and Mr. Moody; Mr. Burroughs in the Chair; A Dividend of 4*s.* per share upon the profits of the Corporation, for the last six months ending March the 30th, was declared.

That at a General Court held the 15th of October, 1728, Present, of the Committee, Mr. Oaker, sir Archibald Grant, Mr. Burroughs; Assistants, Mr. Benj. Robinson, Mr. Squire, Mr. Torriano, Mr. Moody, Mr. Jackson; Mr. Burroughs in the Chair; The Committee and Assistants, having considered the Profits made the last half year, were of opinion that a dividend of 5*s.* per share might be made; which was ordered accordingly.

That at a General Court the 27th of March, 1729, Present, of the Committee, Sir Archibald Grant, Mr. Burroughs; Assistants, Mr. Squire, Mr. Moody, Mr. Benjamin Robinson, Mr. Torriano, Mr. Jackson; Mr. Burroughs in the Chair; The Committee and Assistants, having examined into the accounts of this Corporation were of opinion, that dividends of profits this half year may be 5*s.* per share; which was ordered accordingly.

That at a General Court the 16th of October, 1729, Present, of the Committee, sir Archibald Grant, Mr. Oaker, Mr. Burroughs, Mr. Mann; Assistants, Mr. Whichcote, Mr. Jackson, Mr. Benjamin Robinson, Mr. Beake, Mr. Squire, Mr. Moody, Mr. Torriano, and

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sir Archibald Grant in the Chair; The Committee and Assistants, having examined into the accounts of this Corporation, were of opinion, that they can divide 5*s.* per share for this half year.

That at a General Court the 24th of March, 1729, Present, of the Committee, sir Robert Sutton, Mr. Burroughs, Mr. Bond, Mr. Mann, Mr. Molesworth; Assistants, Mr. Beake, Mr. Squire, Mr. Waller, Mr. Moody, Mr. Torriano, and Mr. Burroughs in the Chair; the Committee and Assistants, having cast up the books, do find the Corporation can divide 5*s.* per share for this half year.

That at a General Court the 1st of October, 1730, Present, of the Committee, Mr. Aislabie; Assistants, Mr. Moody, Mr. Squire, Mr. Torriano, Mr. Benjamin Robinson, Mr. Waller; Mr. Aislabie in the Chair; a dividend of 5*s.* per share was agreed upon.

That at a General Court the 25th of March, 1731, Present, of the Committee, Mr. Molesworth, Mr. Burroughs, sir Archibald Grant; Assistants, Mr. Squire, Mr. Benjamin Robinson, Mr. Jackson, Mr. Moody, Mr. Waller; sir Archibald Grant in the Chair; the Gentlemen in the Direction, considering the charge the late prosecution against the Corporation had put them to, and the extraordinary expence the conforming to the sense of the House of Commons for setting up more houses for lending small sums to the poor would be attended with, thought fit to propose that the dividend for the last half year should be 3*s.* 6*d.* which was agreed to.

That at a General Court the 4th of October, 1731, Present, of the Committee, sir Archibald Grant, captain Burroughs, Mr. Molesworth; Assistants, Mr. Squire, Mr. Waller, Mr. Beake, captain Burroughs in the Chair; the Gentlemen in the Direction, having examined the account of profits for the half year ending at Michaelmas, find, that 3*s.* per share may be divided for that half year.

But your Committee must observe, that on the 19th of October following, the said Order was postponed, and has never yet been complied with.

Your Committee likewise observe, that notwithstanding the declarations made by the Committee and Assistants in the General Court, for declaring of dividends; that they had cast up the books; examined the accounts, and considered the profits whereupon to make the same dividends; not one of them had ever looked into the warehouses, to see whether there were any pledges for the several large sums that had been lent out; nor had they sometimes even seen any account whatsoever.

Mr. *John Venables*, accomptant to the said Corporation, being examined, said, That he was appointed to the said office the 13th of July, 1731; that he never received any directions from the Committee or Assistants to make up any accounts, but was told by Mr. Wainwright the cashier (who had formerly been accomptant) that it was his duty to make out an account half-yearly, in order that a dividend might be declared, and that the said Mr. Wainwright gave him instructions for that purpose. Accordingly he or his clerk did take out of the books the principal sums lent, first deducting what was received by sales, or paid in part, and cast up interest on the remainder, after the rate of 10*l.* per cent. for all pledges to the 1st of April, 1731, as they appeared upon the books, and that he never had any doubt of the reality of such pledges: That from the first of April he calculated the pledges above 500*l.* at 6*l.* per cent. under 500*l.* to 100*l.* at 7*l.* per cent. under 100*l.* to 20*l.* at 8*l.* per cent. and 20*l.* and under at 10*l.* per cent. That this account he made, in order for a dividend in October, 1731, and brought it to Spring Garden, in order to lay before the Court of Committee for that purpose; but the Court of Committee and General Court were up, before he arrived, and had declared the dividend; that he met captain Molesworth and Mr. Beake in Spring Garden, and shewed them the Account, and declared to them his apprehensions, that the Account was not to be depended upon; for that he had carried on interest for above 3,000*l.* in that account mentioned to be in Thomson's hands on account of sales, and had been so some years; and also for 6,000*l.* Thomson had received on account of sales above a year; and also, that since the first of April last, near one third part of their capital was calculated at 6*l.* per cent. and the dividend at 6*l.* per cent. so that that money could answer no charges. Upon which the gentlemen seemed surprised, and captain Molesworth desired him to make out an estimate against the next day, of the amount of the pledges above 500*l.* which he did; that the next morning before ten, captain Molesworth and sir Robert Sutton came to the office in the city, and sir Robert went to Thomson to inquire after this affair; and the examinant has heard, that Thomson was ordered to make up his account of sales, and that Thomson alledged he owed the company nothing; for that he had accounted for the sales by redemptions, and so paid interest for all the money to the time of payment, and the company were no sufferers; that Thomson did prepare an account of sales, and laid it before the Committee, and Mr. Molesworth brought the said account to the examinant, and afterwards fetched Thomson to his office, who made the declaration aforesaid, but owned it was irregular, and promised it should be so no more: that he never examined the vouchers for the pledges, in order to make up the general accounts, they being in the custody of the cashier, but made it up from the books in his office; that upon the first Committee day after the said General Court, he was told by the Committee, he had mistaken the general instructions; for that it was never intended, that the pledges made before the first of April, 1731, should be calculated according to the said instructions, but only the pledges made since; that as the parliament were inclinable to settle the rates,

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so they would allow to the borrowers 2*l.* per cent. and all pledges in general, save those for 20*l.* and under (which were still to carry 10*l.* per cent.) should from the said first of April be cast up at 8*l.* per cent. and thereupon the account was delivered to the examinant to alter; which he did accordingly. That he believes sir Robert Sutton's and Mr. Molesworth's earnestness with Thomson to clear up this matter, was the occasion of his going away; and said, That he had observed several pledges standing out for large sums, on which near as much as the principal was due for the interest and charges, and that several inferior persons names were made use of to conceal those of the real borrowers.

Your Committee observe, that this alteration was necessary to be made, to justify the dividend they had then declared, before they had seen any account at all.

Mr. *Jeremiah Wainwright*, formerly accomptant, and now cashier of the Corporation, being examined, said, That he was appointed cashier in the month of June, 1731, in the room of Mr. William Tench, deceased; that he apprehends, the Corporation never divided more than the real profits, supposing all the pledges to be good; but the Committee have sometimes declared the dividend before the account has been made out; and that he, when accomptant, used to make up an account half-yearly from the pledge books of the interest and charges due on pledges standing out, which was necessary in order to compute the dividend; and that the duty of his office, when accomptant, was to keep the transfer books, stock ledgers, pledge books, make out the dividend warrants, and, when the proprietors paid in upon their shares, to give them credit in the stock ledgers, and a general ledger. That the examinant computed interest on about 6,000*l.* in Thomson's hands, on account of the two last sales, which had never regularly been brought to an account: and the examinant and Mr. Venables designed to take an opportunity to acquaint captain Molesworth of the large sum of money in Thomson's hands, which he had received on account of sales; and the examinant has heard Thomson frequently declare, that, when he came first into the office, sir Robert Sutton promised him he should have a salary of 400*l.* per annum; that he, the examinant, apprehended, lest that salary should seem too great, and that it might be made up to him some other way, they suffered him to keep part of the money arising by sales in his hands; that by order of Committees, several sums of money were paid Thomson, particularly 1,400*l.* on account of charges in Parliament, when he had the money for sales in his hands; that the gentlemen of the Committee, who were present when the half-yearly accounts were laid before the Committee, must know that Thomson had a large sum of money in his hands, it appearing to be so upon the face of such account. That he used to compute the interest on pledges and notes for the half-yearly dividend, and carried it to the Committee; and to the best of his knowledge the total sum of interest and charges on unredeemed pledges and notes not due, were not entered in any book.

Your Committee finding in the course of their examination, that no order of a court of committee, or general court, had been made for applying to the crown for the two last augmentations, but that the same had been carried on in a private and clandestine manner, proceeded to inquire into the same. And find, that although the second licence bore date the 21st day of June, 1728, the same was never made known to the proprietors, till the 12th of September following; and, although the third licence bore date the 31st of July, 1730, the same was never made public to the proprietors, until the 1st of October following.

Mr. *William Higgs*, secretary to the said Corporation, said, That he never heard of any order of a general court, or court of committee, for obtaining the second licence, or knew that it was obtained till about the middle of September, 1728, when he was ordered by captain Burroughs, to send circular letters to all the members, to give notice thereof. He likewise said, that at a Committee of accounts held in London soon after, the said captain Burroughs took the said licence out of his pocket, and, before the same was read, put it into an iron chest; and that he never saw the date of the said licence, until the same was ordered to be laid before the House of Commons last session of Parliament, when he perceived it was dated the 21st of June, 1728, but was never published in a general court, till the 1st of October following, and was not then read; that between the date of the licence, and the publishing thereof, sir John Meres sold a great number of shares, and sometime after sent to him to know the date of the licence; and he, not knowing the same, went to the secretary's office to inquire after it, and applied himself to Mr. Tilson, who asked him, if he did not know, the examinant replied, he did not; upon which Mr. Tilson told him, that then he should not know for him, or to that effect.

That he had been present at all the general courts prior to the publication, save one; and that the obtaining the said licence was never once mentioned there.

Mr. *Jeremiah Wainwright*, first accomptant, and then cashier, said, He did not know the dates of the two last licences till about January last, and that they were both kept secret some months after their respective dates; that shares sold for about 6*l.* 10*s.* or 7*l.* per share, before the second licence was made public, and immediately after were sold for 11*l.*; that, before the last licence was made public, shares sold from 7*l.* to 7*l.* 15*s.* per share; and that, upon the same being public, they were sold for 9*l.* per share; that he never knew of the said licences being obtained, till it was publicly known to every one; that between the dates and publication of the said licences, several thousand shares were bought by the directors or their

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agents, and Thomson; and that he believes, Mr. Matthew Lamb was a Trustee for sir Robert Sutton; Mr. Anthony Powel and colonel Westal for sir Archibald Grant; Leafe, Faickney, Maccullo, and some others, for Thomson; Mr. Cartwright and Mr. Cousemaker, for Mr. Burroughs.

Mr. *Matthew Lamb*, being examined, said, That he began to act as a Trustee for sir Robert Sutton about the 5th of April, 1728, and between that time and the 17th of July following, 1250 Corporation shares, part of the 100,000*l.* capital, were by sir Robert Sutton's order purchased, and transferred to him in trust for the said sir Robert; and that he paid at the rate of 6*l.* per share, or thereabouts, for them.

That, when sir Robert Sutton went abroad in 1728, he gave orders to Thomson to purchase 2 or 300 shares, and in case Thomson could procure 400 more, the examinant was directed to pay for them, and no time was limited for buying the same.

Thomas Warren said, That when a promise was made of obtaining the second licence in 1728, the examinant was resolved to buy up shares in expectation of a rise, but was told by Robinson, that if he would be industrious, and buy up what shares he could for him, he should have for his encouragement half the profit, and sustain no loss that might happen: that pursuant thereto the examinant bought great numbers of shares, and caused them to be transferred to Robinson, or his order: that some time after shares rose according to expectation, and in 1730, the time of the enlargement of the last licence, the examinant gave Robinson a list of shares, of which he was intitled to the half profits, which, as he believes, amounted to near 20,000 shares, but he never obtained his share of the profits he was promised.

Your Committee likewise perceiving that several of the Committee, and assistants, for managing the affairs of the said Corporation, and their officers, had dealt very largely in the shares of the said Corporation, proceeded to examine into the same.

And *Thomas Leafe* said, That he had copied an account stated between Robinson and Thomson to the 31st of May, 1729, and a balance was due to Thomson of about 98,000*l.* and since that time to the time Robinson went away, the examinant believes there might be 100,000*l.* more due to the said Thomson. That he wrote out two other accounts, the first stiled an account of four for 2,000 shares or upwards; and believes the four persons were, Captain Burroughs, Mr. Squire, Robinson, and Thomson; and the second account was stiled, an account of five, containing 1000 shares or upwards, and the same persons were concerned in it, and sir Archibald Grant was the fifth.

That Thomson has frequently given Certificates to Robinson, to enable him to make up his account with Tench, and to draw money out of the Corporation, to pay in on privilege shares, and apprehended some part thereof was made use of to purchase stocks for the advantage of the said numbers 4 and 5. That he also wrote an Account dictated by Thomson, how the said shares were disposed of; that some of them were in the names of the examinant, Thomson, David, Faikney and Robinson. That in July, 1728, No. 4 and 5, bought considerable quantities of shares; That sir Robert Sutton and Mr. Tilson had part of them; and apprehends these were part of the shares bought of sir John Meres. That Thomson had two books covered with marble paper, in which were distinct accounts of No. 4 and 5, but he never saw any names. That Thomson has borrowed large sums of money on Corporation shares.

Your Committee think proper to observe, that the Evidence of Leafe, concerning the names of the persons engaged in the accounts of No. 4 and 5, is confirmed by an entry in an Account Book belonging to John Thomson.

Thomas Warren said, That there is at this time upwards of 70,000*l.* borrowed on shares by the said Warren, standing out between Thomson and Robinson, and that he is bound with the said Thomson and Robinson, or one of them, for above 40,000*l.* in case of failure in value of the said shares. That he has borrowed on shares for Robinson, at several times, about 200,000*l.* and about 60,000*l.* for Thomson, which shares have been redeemed and renewed several times, and of which sums about 60,000*l.* is standing out on Robinson's account, and about 12,000*l.* on Thomson's on 15293 shares.

David Faikney saith, That about the time of the second enlargement of their capital, Thomson told him, shares would rise, and gave him a note of his hand to deliver 50 shares at any time within two months, upon the examinant's paying 10*l.* per share. That before the note became due, he found an advantage could be made of the shares, by paying 500*l.* into the fund, by which he would be intituled to 150 shares. Some time after Thomson asked him, if he designed to keep his shares; the examinant told him, he could not, upon which Thomson said, he had a friend that wanted a hundred shares, and the examinant sold him that number at 7*l.* 10*s.* per share, and Mr. Hodgson sold the remaining fifty at 7*l.* 12*s.* per share.

That shares had been put in his name, which he had no interest or concern in, and believes the same was done that they might be transferred as Thomson had occasion; and never had any shares in his own right before or since, but great numbers of shares were in Leafe's name.

Your Committee find that the committee and assistants of the CharitableCorporation had reasons, from the informations given them, by Mr. Jones their auctioneer, by some of their own body, by the balance due from Robinson to the Corporation, (which appeared upon the death of Mr. Tench) and by many other circumstances, to be apprehensive of the ill state of their affairs, at least five months before Thomson and Robinson withdrew themselves; but it appears to your

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Committee, that they took very small, if any, steps, to inquire into, or remedy the same.

That the said misfortunes were long growing, and must or ought to have been perceived by them, appears by a letter wrote by John Thomson to Mr. Jeremiah Wainwright the cashier, soon after his withdrawing himself, without date or place, which your committee think proper to report at large, viz.

"Sir,

"I have received a piece of news, which you will soon be acquainted with, if you are not already, which makes me withdraw myself from my office, until I see the effect it has; though I do not dread guilt, yet I have all along been acquainted with a dreadful secret, which I flattered myself time would have remedied; but alas! it must have, from what happened, grown worse; it has killed one already, and it will kill me too, though I was not the instrument nor the cause. I cannot, I will not, come to the office at present; but thus retired, I will set about putting the Company's Affairs in the best order I can; and if I were to appear after that, I could be of no service. If you write me, send it to my brother Sam's, I will let him know how to convey it, or send to his house. Dear Jer. Your much afflicted,

"Thursday Morning. J. T.

P. S. "Excuse me to the gentlemen. I would, but I cannot write to them, but I will to them all next week."

And also by several Letters wrote by the said Thomson to Thomas Leafe his servant, some of which your Committee have thought proper to insert at large, viz.

A Letter without date or name.

"Mr. Leafe,

"Strip the files, and convey the papers away to some place, with what Memorandum books you have relating to me. Take James's Memorandum Book and convey away, with what books and papers he has. Let nothing appears, and if you are asked, say I stript the counting-house while you were lotting the goods for the sale; which is true. Be easy as to yourself, you are taken care of, and nothing can hurt you. Assure James of the same. I will write to you at large on Friday next; take care of all my concerns. If John Hamilton calls, make him easy; he had an absolute dependance upon me; assure him I will still take care of him, and he shall hear from me. Take care to secrete or burn your file of memorandums at your own house; they are now of no use. I gave a note of my hand the 30th of September to William Bennet, 100*l.* payable in a month; I received but 50*l.* from him; he has also got my note of 26th August three months date for 50*l.* which he never accounted to me for. Remember me to Mrs. Leafe."

Yours, &c.

Thomas Leafe being shewed the said letter, acknowledged the same to be Thomson's handwriting, but did not know how he came by it; and did not receive it till several days after Thomson went away, and said that the files were stript pursuant to the directions in the said letter, by the examinant and James Thomson, and said James Thomson carried them away, and believes not any of them were burnt.

Being asked where his Memorandum Books were, said he had not any, but what were left at home when he was taken into custody, and believes they are now there, in which were some transactions of Thomsons's; but he missed one of his pocket cash books, and cannot tell where it is. That he never gave any directions for conveying away any books or papers; that no books or papers of his have been removed since the 12th of October, but what James removed, which were the accounts between Thomson's father, and son; that he took James Thomson's Memorandum books from him, as John Thomson desired, but never parted with any of his own.

Another Letter signed J. T. without date or place.

"Mr. Leafe, read this carefully over.

"It was not proper that you should know what was to happen, else you had done it before any body, as I could more intrust you. You can now say you did not suspect it, or the necessity for it: That I cannot be the cause of it. I have left you sundry notes, which when you receive them, you are to discharge the demands with, that are upon me personally. As the books are gone, take a waste book, and make entries of every thing from this day that occurs. What you are to discharge is bills of Exchange accepted by me, or what is drawn by my brother or my father; also notes of my hand and accounts, that James and you know to be due, or have reason to believe it. You are not to pay upon account of my indorsement to any thing, but to keep an exact account of all demands of that sort and transmit me, of what kind soever. Tell every body all my personal debts will be paid, and that I myself will soon appear again; I do not owe 6*d.* to Stanton. If you are asked about my affairs, when you must answer, tell them, as to yourself, I paid you 20*l.* per annum for my board, and 30*l.* for James Thomson, and 20*l.* for the use of your house, but that you were in the Corporation's service: That James Thomson did the business that was with my father in the Exchanges for me, but that I proposed to have given it up to you, and then you were to have left the Corporation: That you kept my books for two years past, but that I had many accounts which you never saw nor had. And if you are asked about sir Archibald, say that sir Archibald Grant has a large account in the books, but it was some time ago balanced: That Dennis Bond has the same just balanced: That Mr. Mann has several accounts in the books balanced: That Mr. Jackson, Mr. Squire, captain Burroughs, has

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each an account in the book all of old standing, upon which they are indebted small sums: That many other people have, which for want of the books you cannot tell: That I have traded to Alicant in Spain, and to Lisbon, and that I have effects in both those places now: That I also traded to Petersburgh formerly, but for a twelvemonth past I had sent nothing thither but tin, for which I had had remittances made to me, and that you believe there is little due to me there: That I have sent no goods abroad very lately of any kind. Give up to the Corporation all the wines in Johnson's hands; also the yarn in Mr. Warren's. Obey my cousin Watson's orders if you can, and write to him; write to Mr. Hart of Bristol, you will send his vouchers, and that what is due to him will be remitted. There is 200*l.* note, and 100*l.* I gave to David Avery; do not pay them, but insist on his doing it, and delivering them up: Also 150*l.* indorsement of his note. Tell James I have by Richard Hamilton satisfied my notes to Dr. Burnet for 300*l.* and 200*l.* and that he will receive a surplus from Mr. Hamilton, which it is proper he should call for: And likewise tell Mr. Hamilton, it is to pay off other small demands upon me.'

"Tell James I have provided for Richard Markland's 200*l.* by Jemmy Jenkins, from whom I expect he will receive a surplus likewise; desire him to press for it, and tell him it is to pay off many small demands there is upon me. Be very watchful of all letters both foreign and inland, to take them up as they come. If any remittances, keep them, and advise me thereof; be watchful of goods coming from Petersburgh. Let John Cruickshank take them up, and sell them for account of C. and T. and pass the proceeds to their account. Be watchful of remittances from Dr. Wright, or captain Innis, or letters which come to the Sword-Blade coffee-house; If any remittances, try if you can prevent their being reported in my name, and put in the name of B. and C. and let them take up the goods, and pay you the proceeds. Write to Halliwell what has happened, and let him ship for the future to you in your own name, and tell the gentlemen of it. Write Fabricius the same; write Bain so too. Be kind to my brother Sam, visit him often, and help him to settle his accounts; and do what service you can to my brother David.

"I have a note of hand to John Gordon, esq. due the 15th instant for 300*l.* get him to take it up, and insist upon it; for I will not pay it; for amongst the papers I have left you, you will find his note payable at the same time for 100*l.* and his receipt for jewels to the value of 230*l.* which I gave him, and if he does not pay it, tell the holder of the note that I lent him the note; and that though I pay my own just debts, I will not pay a borrowed note. I have some shares to take at the opening bought by Bennet; as I shall not take them, desire Bennet to give you a note of the loss sustained thereby, in order to transmit to me. Receive from Robert Garden my note for 200*l.* and another for 20 shares, which I oblige myself to deliver at the opening, because I have satisfied both. Settle the account with J. Cruickshank, and take patience to do it; you know him full well, so I will say no more. Send Westby's note to my father, and desire him to push for the payment of it; tell him he is one of the commissioners of the Customs at Edinburgh. Captain Randolph's tobaccoes, upon which there is 8,000*l.* borrowed, the keys of the warehouses are in Warren's hands. Give an account of that to the company, that they may take them. Tell every body you expect me to appear in a few days; that you expect to hear where to call for me in a day or two. Let nobody know from you what has happened; let it break out of itself. Remember me to Mrs. Leate, and be assured of my being always yours,

J. T."

Thomas Leafe also acknowledged this to be Thomson's hand, and said he had received money for two notes since Thomson went away; but has not made any entries since, and has not kept any account of demands on bills of exchange accepted by him, notes for money borrowed, and notes indorsed, but believes Thomson would pay his private debts first. And said that C. T. in the said letter, meant Cruikshanks and Thomson, merchants at Petersburgh, and B. and C. Blackwood and Cathcart, who formerly had dealings with the said Thomson.

Another Letter signed J. T. without date or place.

"Dear Tom;

"My conduct and behaviour to you in keeping you in the dark as to my intention of retiring, is what you now must approve of; for as I must needs suppose you will be strictly questioned upon that head; and that they would give you trouble upon that account, from your being so nearly concerned in my affairs; so your declaring with confidence your ignorance of that intention, and my removing from you my Books and Papers in the manner I did, must be of service, and I doubt not it is proving so.

"I found it necessary from the uncertain turn that things might take, to go abroad, where I am now safe with a friend that most tenderly compassionates my case. I need not tell you what a chain of unlucky accidents reduced me to this necessity; you must have observed them, and often pitied my situation; God grant me patience under them, and I shall do every body justice: The company must take the will for the deed in my doing what I can; I had no intention to hurt them, but the fatality of their affairs from the source of their misfortune, which is of long duration, did not admit of looking back. I have wrote the gentlemen a joint, and also all separate letters; but I have not acquainted them with my being abroad, which it is proper you should know. I long to know what reception my

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letters meet with, and I expect it from you; let me know all you have heard and observed, and the worst as well as the best, for my government; that I may conduct myself accordingly; and pray lose no time in doing it.

"Let me know what questions have been put to you, and also to Mr. Faikney and James, and how you answered them?

"Let me know how Mr. Faikney behaves.

"How have they ordered the sale?

"Have they taken an inventory of the goods of the house?

"How does Mr. Wainwright behave?

"Do they know of my being gone abroad?

"Take an opportunity to ask sir A. G. if he has any thing to command me; and that if he writes, you will give it me.

"Has Mr. Woolley sent all the goods he had in his custody into the new house taken in Spittle fields, as he intended; if he has, let the company know there is a quantity of goods there; but the particulars you cannot give them.

"Let the Company know that the clock upon which there is 250*l.* lent, is in Mr. Ken's custody their solicitor in parliament.

"Give them an account of the Barilla where it lies.

"Let them know the tobacco, and also the yarn, is in Mr. Warren's custody.

"Take care that a quantity of wines to satisfy Seward and company 465*l.* be set apart for that purpose.

"Get the keys, of the rest of the wine, and deliver up; we must find means to satisfy Mr. Johnson's account abstracted from them all; and he may depend on it.

"Let me know the price they have run the shares down to, and if any has been bought or sold.

"Let me know if you can learn, what resolutions have been taken in the Committee.

"If they call a general court, be there, or somebody, to hear what passes.

"Let me know how Mr. Warren behaves, and what he has done.

"Send me the price of York.

"Let me know when it was discovered at the office, my absenting myself.

"Pray open a sett of books, and keep them, of the transactions that pass henceforwards.

"Rec. Bain's accounts as formerly, and keep up a correspondence with him, also with Halliwell, and who else you judge proper.

"Send me an abstract of the letters you have received, and if any remittances, send them to me to be endorsed.

"Let me have an account of what money you have paid since the last you gave me, and also of what you have received.

"Have you been able to pay all the bills as they became due?

"If you have 100*l.* to spare, pay it to my brother David—many things must have occurred in my affairs—I hope you will have taken memorandums of them—Give me a hint of every thing that has happened, to refresh my memory.

"I want much to pay off the little debts and demands that are upon me.

"As to debts not due, tell them they shall be paid when due, but pray recollect as many of them as you can, and give me an account of them.

"Sell the two M. York, for which you have a power from Mr. William Richardson among the papers I left to be delivered you, if you want money.

"The bundle of papers I left for you were notes and bonds, about which you shall have my directions soon, in the mean time send me an account of them:

"And add to them what notes, &c. James had in his hands, and also what you had.

"Do not meddle with my Accounts of Shares, where money is borrowed; those accounts I will take care of myself, and also my account with the company; but mind every thing else; and let James do the same.

"I had no time to take a copy of the letter I wrote you before; so I must desire you will answer in course, and omit nothing, lest I should forget what I wrote you in it.

"I am sensible you have a very troublesome task of it, but I persuade myself you will bear with it at present (I hope it will not be long) and labour to answer me as far as possible, as you must be sensible of the anxiety I suffer: Let James see this, and do you read his; but let nobody else see either. Do you keep the cash and notes, and pay what demands are upon me: And if what you have will not do it, I will make application, and have it done. I left Mr. Dundass's papers with you; take care of them, and state the account. Tell John Hamilton to go to the Leicester coffee-house for a letter directed to him there, and if he wants a little money, let him have it upon his receipt. I left a power of attorney with you: if you should at any time be at a nonplus to act in my stead, direct for me under a cover directed to George Dowes, esq. at Bologne. Remember me to Mrs. Leafe. Dear Tom, your disconsolate, J. T."

Thomas Leafe likewise acknowledged the same to be Thomson's hand: And being asked what Thomson meant, in the said letter, by 'I need not tell you what a chain of unlucky 'accidents reduced me to this necessity; you 'must have observed them, and often pitied my 'situation,' he said, he believes Thomson meant the large account of cash due from Robinson to him, and that Mr. Burrough and Mr. Squire were privy to, and concerned in, the loss of the said money, and possibly sir Archibald Grant.

And he further said, That about a year ago an unlucky accident happened to the said gentlemen, That they lost above 100,000*l.* by York Buildings Stock. That Robinson, and those concerned with him, took all methods to keep up the price of stock, by buying and continuing the same by premiums, and apprehends the Corporation money was made use of by Robin-

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son and Thomson from the beginning, and they were forced to go on. Being asked if he had spoke to sir Archibald Grant, as Thomson desired; he said, he did speak to him; and sir Archibald said, he had the same value for him as he had before, and was concerned for him. Being asked where he spoke to him, he said he believed it was at the general court.

Another Letter, dated January the 30th, 1732: not signed, or from what place.

"Dear Tom, Jan. 30, 1732.

"I have received all yours regularly; so that you need be under no concern about them, nor can I discover that any one letter has missed coming regularly to my hands. I won't begin to answer yours in course, but say things as they occur to me.

"Have you received Thomas Lake's note from Mr. Crawford payable to yourself for 185*l.* If you have not, I desire you will do it.

"Give Mr. Crawford, Lake's and Richard's bond for 500*l.* which I think is not executed by the last.

"Pray take care to answer from time to time what letters my father writes to you.

"What is become of the ship load of ore that arrived, since I came away from Norway, and how stand affairs in that corner?

"I see there are several notes in your hands, that are due. I hope you have taken the method I desired to obtain payment of them: Let me know if you have met any hindrance in any of them. All the money I want at present or shall have occasion for, (I hope, before you will have ten times as much in hand,) to pay my little debts, I hope is as follows:

"To George Downs, esq. 30*l.* which I intreat you will send him, without losing a day's time, in new guineas, to Boulogne, by the first ship: David Avery will give you a direction; he has been here, and parted six days ago; For the future give all the letters to him that you write me, or receive from my friends; for I judge it necessary to change my way of address; and he will for the future forward them in a different manner: Tell James so too, whenever you can; and let it be as soon as possible. I desire you will remit a bill of 200*l.* upon Paris at sight, payable to Mr. Edward Wogan; do not let it be for value of you, but any name you think proper, and send it in a letter to himself directed thus: A Monsieur le Chevalier de Wogan, à Sorbonne, à Paris. I owe him money already; he has been very kind to me, and I would very gladly reimburse him. I promised David Avery 90*l.* but you have two notes will do as well, viz. Bruges for 40*l.* and Billingsley for 50*l.* Give him also his bond for 1000*l.* and take his receipt for all three. Write but seldom for three months, and expect to hear but seldom from me in that time, because I have some thoughts of going into Spain, and for that reason I shall want three things of you immediately. I mean by the first or second post after you receive this.

"The first is, if you possibly can accomplish it, that you remit that money; Secondly, That you would write me a very particular account of every thing that has passed since your last: And lastly, that you would let me know what passed between Mr. Bermingham and you before he parted from London; and if you think the assignee has taken any steps to secure my effects in his hands.

"Have you never any conversation with sir A. G.? Pray how does he behave?

"If you have not sold the 2,000 York, pray do not do it, but put it into the name of some friend of yours, and keep it, till I write you further.

"Let me know where C. B. is gone, and what reasons are given for his absenting himself?

"Will J. C. be able to save any thing?

"You should advise him to keep all in his hands he can, in case Chappel should prove insolvent: And there are other things come besides the three bales of linen.

"Our meeting now cannot in any event be till after the parliament rises; for I reckon the affair is there by this time, notwithstanding Mr. W.'s opinion to the contrary. But I have no concern upon me about your behaviour there, or any where else; and as to the rest, I do not mind it much.

"I shall be greatly pleased to hear that you have been able to pay Dr. Burnet the remainder of my notes: for he really gave me great uneasiness.

"I hope you have prevailed on Richard Hamilton to keep the York for me. Pray pay the interest up to this time, and take up my note, and take his to deliver you the 6 M. York six months hence, upon paying him 900*l.* and interest. Urge this, and get it done if you possibly can, though it is not of that value at present; there is no danger in standing it: As to the security he has on the defeazance for London assurance shares from Hatfield, I desire you will get Mr. Woodcraft immediately to sue Hatfield for Mr. Hamilton, and there is no danger of his recovering the difference, which is full 300*l.* I have known several instances of it. If you can get to be warehouse-keeper upon a salary of 150*l.* per annum, I would certainly advise you to accept of it; and as you know my situation exactly, if by any side wind I can be of service to you, count upon it. D. A. wrote to me to the same purpose before he came hither, and I discouraged it; this to yourself. If you do not succeed, do not be uneasy about it, because you may depend you shall never have cause to repent your attachment to me: and I bear a very strong sense of it at present. Pray is not captain Innes arrived from the Havannah yet? If he is, let me know what you have received from Mr. Wright, and what from himself. I shall write to James very particularly about following young Puget by the next post; give him there-

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fore his two notes. I have inclosed sent you a letter to J. C. read, seal and deliver it; I leave it open for your government. If he will give you bills payable to yourself on C. T. and company, for the sum of the inclosed bills payable four months hence, take them, and give him the inclosed, with the letter of advice; otherwise keep both, and let me know: but if he does give you the bills, forward them to themselves, and bid them, when due, pass them to your account, not mentioning me. Adieu, dear Tom, my best wishes attends Mrs. L.

"If you are examined on Mr. Rob. Com. say you have seen a large Account, whereby he stood debtor; but you understood it to be to the Company, not to me, as I had not the money to give him; that I had the account myself, but that you believe the balance due by him was two hundred thou . . . and upwards, which is all true; avoid being particular."

Thomas Leafe said it was Thomson's handwriting. And being asked, where and to whom Thomson was to make application for him to be warehouse keeper to the corporation, he said, he could not tell. Being asked, what was meant, "If by a side wind I can serve you." He said, he did not know, unless it was by some of his friends; and that D. A. in the said letter stands for David Avery, J. C. for John Cruickshanks, and C. and T. and Co. stands for Cruickshanks, Thomson and company. And being asked, what reason Mr. W. gave for his opinion, he said, Mr. Woodcraft said, that, as no proof could be had against the directors, nothing could be done in it in parliament.

Jeremiah Wainwright said, That the Saturday morning before Thomson went away, he borrowed the examinant's pledge book, and book of redemptions, on pretence of his making up his account of the last sale, saying, he could not get at his own pledge book, Mr. Leafe having the same locked up in his desk, being then out of the way; which books cannot now be found.

Thomas Leafe said, That Thomson had all the books of the Corporation, when he pleased; that a sale book and two pledge journals are wanting; one of which pledge journals was Thomson's own, and the other Mr. Wainwright's.

John Richardson, clerk to the cashier, said, That about a month before Thomson went away, his desk in the office on Lawrence Pountney Hill, was, as he believes, broke open, and now believes, it was done by Thomson. That there was in the said desk 1,000*l.* in bonds and some money, and a great number of signed and unsigned receipts on the back of certificates; that when he came the next day he found his desk open, and the lock broke, and the signed and unsigned certificates only missing; he complained of it to Mr. Wainwright his principal, who making inquiry about it, William Sheriff, porter to the house, told the said Wainwright, that Thomson asked for the key of the office, and he gave it him, and that they both went in together; and that he, Sheriff, endeavouring to open the window next morning, fell on the desk, and broke it.

John Ray, messenger to the said Corporation, said, That on Monday morning about 6 weeks before Thomson went away, Mr. Wainwright complained to Thomson that his desk had been broken open, and 4 or 500 certificates were taken away, and seemed very angry, and said, that it must be his servant that had done it in opening the windows; Thomson smiling replied, that for the value of 10*s.* he would speak to the gentleman and get new ones in their stead, and asked Wainwright if he thought this fellow would take them, that they were not worth a farthing to him, and likewise asked him, if he thought he, Thomson, would take them, and further added, that Tench was a careless man, and had lost them; Wainwright said, he did not care which way they were gone: he would acquaint the Committee with it. The examinant further said, that Thomson had been in Wainwright's office the Saturday night before by himself.

Your Committee find, throughout the whole course of their Examination, that the persons intrusted with the management of the affairs of the said Corporation, had nothing in their view but to enhance the prices of their shares.

Mr. *Higgs*, their secretary, said, in the years 1725 and 1726, divers Courts of Committee were held to consult the opening Houses to lend money upon pledges: That he, sir Robert Sutton, at the first, sir John Meres and Mr. Gascoigne all along, were for keeping to the intent of their charter, in lending money in small sums to the poor, but the majority were for lending money in the city in large sums; and Mr. Bond, who was of the majority, said, Damn the poor, let us go into the city, where we may get money.

Sir *John Meres* said, that captain Burroughs, Mr. Squire and sir Archibald Grant, and some others in the direction, proposed to open another house: that he proposed Exeter Exchange; but those gentlemen thought it would be more proper to have it near the Royal Exchange, saying, What signifies stock, if it is not saleable. That having occasion for money, about Michaelmas last, he went into the city to sell some Charitable Corporation shares: and, as he was going, stopped at his goldsmith's, and told him, he was come to do the same, who found him a purchaser at 4*l.* 16*s.* per share, which was under par: that he went on to Pontac's, where he met with sir Robert Sutton and sir Archibald Grant; and acquainting them with his intention, the latter dissuaded him from selling his shares, for that in three days the dividend would be declared, and then the shares would rise. That some time after the beginning of last session of parliament, the examinant had discourse with sir Robert Sutton at sir Robert Sutton's house, about the large sums of money, as he had been informed, were in Robinson's hands, which he heard was between 40 and 50,000*l.* but sir Robert made slight of it,

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and said, he believed it might be 10 or 12,000*l.* for which Robinson had given good security; and that he was responsible to answer double the money, and persuaded the examinant to keep his stock; and pay in upon his shares.

David Avery said, Thomson told him, That if they had gained an Act of parliament, it would have patched them up, and they might have gone on doing business, and people would have been contented, if they had paid interest on their notes, and made dividends without looking after their principal, and that other companies were in as bad a condition as they were, if as strictly inquired into.

John Edwin, esq. a considerable proprietor, being examined, said, That about the beginning of September last, the examinant had a mistrust the Charitable Corporation was not in a good condition, and applied to Mr. Thomas Beake, one of the assistants, and informed him, that he heard the capital was embezzled, and that they had divided out the principal, and that there were not pledges sufficient to answer the money lent; and desired, for the satisfaction of himself and his friends, to inspect their books and accounts; Mr. Beake replied, that if the examinant would write a letter to him, he would carry the same to the Committee, and get it read.

That on the 9th of September, the examinant wrote a letter to Mr. Beake (which he produced to the Committee) which he sent to him, but had no answer in writing, but said, Mr. Beake informed the examinant the next day, that the said letter was read at the Committee, and if he would meet him at the Corporation house on Saturday next, he should be satisfied; the examinant went accordingly, and Mr. Burroughs and Mr. Beake were there; that several books were throwed on the table; that he was told by Burroughs it being Saturday they were in haste; and he had no opportunity to make remarks thereon; but then desired Mr. Burroughs and Mr. Beake to give directions to Wainwright, to shew the examinant what books and accompts he had a mind to see; upon the Monday following, the examinant went again, but Wainwright was unwilling to give him any insight, or shew the books without farther directions from Burroughs; whereupon the examinant and Wainwright went to Burroughs, who said, he could not shew the books without the order of the Committee, and referred him to attend the Committee the next day; upon which the examinant wrote another letter, dated the 14th of September, to Mr. Beake, complaining of the usage he met with, and went again to the Corporation the day on which the letter was wrote. And when he came to the Corporation house, and the directors were above stairs, sir Archibald Grant came down, and instead of satisfying the examinant, gave him sketches of accounts of their capital, and informed him, that all things were well, and what was rumoured about there being not sufficient pledges in the office and warehouse for the money lent, was groundless, and not to be minded; though some person in the Committee had formerly expressed the same mistrust long time since (and produced to the Committee the said account, which was delivered to sir Archibald Grant by Wainwright, and given to the examinant, which was read) but the examinant applied no more at that time.

That about the middle of May last, the examinant applied to sir Archibald Grant for a history of the Corporation, and at the same time desired to know, if he could tell him, how he might buy some shares. Sir Archibald replied, he could not tell him where to get any; but a few days after, Mr. Higgs made a bargain with the examinant for 200 shares at 6*l.* per share, and sir Archibald Grant appearing in it, the examinant was dissatisfied; whereupon the examinant, in the beginning of June last, applied to sir Robert Sutton, and desired to know of him the state of the Corporation, and in case he could give him encouragement, he would buy considerably; who informed him he was very safe, and that their capital was worth 5*l.* per share, and 1,400*l.* profits on their whole capital. And sir Robert asking the examinant what price he could buy shares at, the examinant replied 5*l.* 15*s.* upon which sir Robert Sutton lift up his hands with great admiration, and said they were prodigious cheap.

That sir Robert Sutton owned to the examinant in October last, and since Thomson went away, that he had a mistrust in the spring, that the money in Robinson's hands was not safe, and not a good debt; though sir Robert never owned the same to the examinant, upon his application to him in June.

That at the time the examinant was talking with sir Archibald Grant at the Corporation house in the city, the examinant asked him if the court yard and building over against him belonged to the Corporation; sir Archibald replied, it did, and was full of goods: but the examinant has heard since, that the same belonged to Mrs. Crawley.

By a letter dated the 11th of Sept. 1728, from Mr. Robert Mann to Mr. Torriano; viz.

"Sir, Sept. 11, 1728.

"I have this afternoon received an invitation to Pontac's, as last Monday, to dine with Mr. Burroughs; pray let me know what 'twas for; being signed by Higgs, I doubt 'twas to tell them of the enlargement: and the shares must rise of course. I have wrote to Mr. Robinson, on whom I have always depended, for some of them; but he has not thought fit to return me any answer. Pray be free, and let me know what is doing, and the price; for I have none to speak of. I think I am hardly dealt with to hold so many for him and Burroughs, and not have been consulted and bought more. If this find you at the coffee-house, write by Jack; if not, pray do by the post. All here give love and service. I am your affectionate father, ROBERT MANN."

By a letter dated the 12th of September,

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1728, from Mr. Torriano to Robert Mann; viz.

"Honoured Sir, Randall's, Sept. 12.

"I had the favour of your's as soon as I came to town; but the servant you sent was gone, so that I could not write by him.

"I am greatly concerned, that you have so much reason to complain; but upon shewing your letter to Mr. Robinson (which I did with some resentment) he said, it was not his fault, and that he had advised you some time ago to buy shares; and that at present he knows not what to do for you, the price being so advanced. I sold 50 shares myself to-day at 10 guineas a share, and I believe I could sell 500 shares at the same price. I do not find a share to be bought, but I hope George Robinson will help you to some a little cheaper. If I am capable to judge any thing, they will very quickly come to 12 or 15. I am very confidently assured, we have the promise of an addition of 200,000*l.* more, which will add greatly to the value. I hear sir John Meres is buying in all he can get. You know I told you I fancied something was a hatching, for I watched them with a jealous eye, and so narrowly, that I happily scraped up a pretty many shares. I believe you thought me too sanguine; but I heartily wish you had been the same. If there is any thing now to be done, be pleased to command me. For you can never conceive how much satisfaction I shall receive, in being capable to approve myself, Sir, your very dutiful and obedient son,

JOHN TORRIANO."

"Old Towers is dead. I beg my mother to accept our duties. Be pleased to present our loves and services to the rest of the good company."

By a Letter dated the 13th of September, 1728, from Mr. Mann to Mr. Torriano; viz.

"Dear Jack, Sept. 13, 1728.

"I thank you for your letter, and have this day received one from Mr. Robinson, in which he tells me, he hath bought 200 shares at 10*l.* 10*s.* which I shall have if I please, or let alone. They are to be taken on Wednesday next. I have not returned any answer to him till I see you, which I shall desire to do on Sunday next at Chelsea, where I intend to be on Saturday night; but in the mean time, if you can pick me up a hundred or two at a more reasonable price, I shall be glad; or if you think worth while for me to do any thing at that price, pray do, and I'll thank you: But all my fear is, those that have bought at very low prices, will think it worth while to turn out after so great a rise. But I'll be guided now by you. Would I had been so a month ago. I hope to be in town by four to-morrow. Leave word at Randall's, if I send, where you are, unless you go to Putney; then I shall see you some time on Sunday, I hope. My service and love to all, with your mother, is from your affectionate father,

ROBERT MANN."

"Don't let any one know of my writing this to you."

Your Committee have examined the several Committee Men intrusted with the management of the affairs of the said Corporation, and their assistants (except Mr. Whichcot, who is now out of town, and does not appear to have acted since the 16th of October, 1729, and very seldom before) and Mr. Squire, who has withdrawn himself from justice. But several of them being Members of this House, and their Examinations consisting partly in excuses for themselves, and partly to accuse each other; your Committee did not think proper to abridge the same, but have inserted them at large, viz.

The right honourable sir *Robert Sutton*, one of the Committee, being examined, said, That he had but little share in the management of the Corporation, and, when he entered upon it, frequently afterwards declared, that he neither would nor could attend the execution of the ordinary business of the Corporation; that when they first entered into business, assistants were chosen to assist the Committee in the ordinary business; and soon after a Committee of Accounts were chosen at a general court of nine gentlemen, who were most of them merchants, or men bred and versed in business and understood accounts; and afterwards a resolution passed, that all the Committee should have voices at the said Committee of Accounts, who always attended and did business: that he was ignorant of accounts, and never sat down at a Committee of Accounts till the 21st of July 1730, and then there were no accounts examined, and thought by that, it was another Committee; but there was not any other Committee at that time, as the Examinant believes or remembers; and that he was assured by those gentlemen, that they did examine the accounts minutely; that two gentlemen of the Committee, or assistants, were for a long time named and appointed to attend on stated days at the house in the city, for the execution of the ordinary business of the Corporation; but that he, the examinant, was never of that number; by which it appeared, that his attendance was not expected: and if his name appears to be in the Committee book from the beginning of 1728, till June, 1729, he was not at the Committee above two or three times, was part of the time abroad, and ill the rest of it, and was excused for his non-attendance: that he never heard of any complaint or information, but took pains to have the same rectified; and were redressed; and he never heard of or suspected the great embezzlements, which have been made of the Corporation's effects.

And the examinant further said, That he had a particular part in obtaining the licence in 1728, and spoke to the ministry: that it was represented to him by Mr. Burroughs, Mr. Oaker, and Mr. Squire, that they had lent the money, of which their capital consisted, out upon pledges, and assured him that great demands were made by borrowers: that their ca-

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pital being limited, they could lend no further; and were desirous to have an enlargement: that thereupon the examinant went to lord Townshend's house, and believes sir Robert Walpole was there, and represented the same to lord Townshend; and that he thought the same was useful and reasonable, and made no great objection against it, and would consider of the *quantum*; and believes, he said if 200,000*l.* was added to their capital, it would be all lent in a reasonable time; and be of service to the public.

That in June 1728, the examinant was preparing to go abroad, and on the 11th waited on his Majesty to take his leave, and the same day had sent his equipage before, intending to follow in four or five days: but the wind being contrary, he was detained till the third of July, and then embarked; and does not believe, that he knew when the said licence was signed, or taken out; but believes Burroughs solicited the same, and took it out: that before the examinant went, he ordered stock to be bought for him, as believing, it would improve in value: that when he returned home, he found Burroughs had made a great flourish in a speech to the general court upon the same's being obtained; and did not know the same was concealed; and never knew, heard, or suspected, that any money or shares were given in any shape whatever for obtaining the same: And he further said, That he applied to lord Townshend about the third licence; and hearing, that the Attorney General in his report was doubtful, whether it was expedient or adviseable to extend the quantum of the joint stock further than it was, when so many companies were subsisting in the city of London with large transferable stocks: upon this, the examinant, sir Archibald Grant, and Mr. Bond, waited on the Attorney General, and desired to know, if he received any complaint, information, or representation, against the grant of the enlargement, upon which he grounded his doubt; he said he had received none, but was the result of his own thoughts: that before the licence was dispatched, lord Townshend quitted his office, and the examinant never applied in person to lord Harrington, and do not know who signed the petition to his majesty for the said licence, but believes, the same was drawn up by the gentlemen of the Committee, and presented; believes Burroughs and Squire solicited the same through all the offices; but lay a long time before it was taken out: that Thomson came to the examinant, and said, he was ordered to take out the said licence, but being a stranger at the Secretary's office, desired he would write a letter for the delivery thereof; and the examinant wrote a letter to Mr. Tilson to deliver the same to Thomson, who would pay the fees: that he does not know any application was made by a general court for the same, and was not concerned in the concealment of it, or knew it was concealed; but believed the obtaining the said licence generally known.

And the examinant further said, that when the Corporation first began to lend money, and were in a good way, the examinant seldom attended. It was thought proper at a Committee, that assistants should be chose to assist the Committee; sir John Meres declared his opinion at first, that the choice of them might be delayed for some short time, there being no immediate occasion for them; and does not remember, he afterwards opposed their being chosen; and does not know it was objected to the issuing of notes; but has seen by looking on the minutes, that some doubts were made, and is confident sir John Meres did not oppose the issuing of notes; and knows of no opposition made by sir John Meres against the erecting a house in the city; or had given the examinant any intimation about embezzlements; if he had, the examinant would have been alarmed, and sir John must have been so likewise, they both being largely concerned.

And the examinant said, he did not know of any sums of money, or Charitable Corporation shares, given to any persons absolutely, or only upon their notes, or of any shares being sold at an under price to members of parliament for their assistance, or any other person: That the examinant remembers, it was either before or at the beginning of the Corporation's being before the parliament, the examinant and sir Archibald Grant were together, either in the House of Commons or about it; sir Thomas Robinson came to them, and said, he was desirous to purchase some Corporation shares, and believes, he mentioned about 500; and he was told, he should address himself to Thomson, or Robinson, who transacted those affairs. Sir Thomas said, he did not know them, and desired them to speak about them: The examinant did not, but believes sir Archibald undertook to get some, and believes they were procured; and the examinant said, he asked no favour, but was willing to give the market price; and believes shares were then at 6*l.* per share; and sir Thomas desired the examinant to pay 1,900*l.* to Burroughs and Thomson, whom he did not know, in part for the said shares, and gave bank notes to the examinant for that sum. That after the examinant had the same, Burroughs came to him about the fifth of April, and acquainted the examinant, that he had occasion for money, and pressed him to let him have 1.000*l.* The examinant thinks, he paid it him the same day, and told Burroughs, if Thomson and he would come to-morrow, he would pay the remainder of the money he had received from sir Thomas Robinson, the said shares being bought of Thomson and Burroughs; and the next day being the sixth of April, they came; and the examinant paid the remainder of the notes he had received from sir Thomas to them, and cannot positively swear, that he was by when the remainder of the shares were paid for by sir Thomas to sir Archibald Grant, but believes, he was; and does not remember any note was delivered by sir Archibald to sir Thomas Robinson, and does not remember, he

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ever heard sir Thomas mention any thing about privileges: The examinant said, he was not privy to the bargain made, or to the price that was to be given, or whether at that time any part of the money had been returned; he knows nothing of it, sir Archibald Grant having undertook it; but has heard, there were 2 or 300 privileges amongst the shares sold to sir Thomas, and heard by Mr. Lamb, that a note was returned back to sir Thomas Robinson.

And being asked, what the price of Shares were at that time; the examinant said, Shares were never at a settled price, and but few brokers dealt in them; but believes the price was 6*l.* per share.

And being asked, if he knew of any demand made by any person for services done the Corporation; examinant said, That he heard Mr. Mann mentioned to some of the gentlemen of the Committee in the committee room; that Mr. Hughes has complained to him of being neglected for the services done by him for the Corporation; and that he did expect a reward for the services he had done. Being asked, what services he understood those to be, the examinant replied, he understood them to be services done in and out of parliament. That the same was received with scorn and indignation by the gentlemen present; that this was mentioned after the rising of last session of parliament; that he was not present at any consultation relating to any books, but remembers Burroughs, and some others, speaking about books of orders and instructions to be laid before the House; that he was present at a Committee the 30th of March, 1731, when Wainwright sent an order of the House of Commons for laying their dividend book, and book of orders, before them: That the three books of orders and instructions were sent, and knows of no debate about them; but it was taken for granted, these were the books called for, and the only books, which answered the order of the House of Commons.

The honourable *Walter Molesworth*, esq. one other of the Committee, being examined, said, That he did not know of any mismanagements in the Corporation, until Robinson and Thomson were gone: That after the general court preceding Thomson's going off, and looking over a half yearly account, saw John Thomson was a considerable debtor to the Corporation; and asking the meaning of it, Venables told the examinant, that he supposed many of the goods sold at the sales were not fetched away, but remained in the warehouse to be put up again; and hearing then, that Thomson had not accounted for the last sales, which was near twelve or fourteen months, the examinant took an alarm, and went and acquainted sir Robert Sutton with the same, who would scarce believe it; and the next morning early, the examinant went into the city to Thomson, who said he was very ill; but the examinant got him down into the cashier and accomptant's office, and then asked him the meaning why he had not accounted for the last sale; Thomson said, he had not accounted for the same under the name of redemptions; but owned, it was irregular, and told the examinant, that he would shew it him when he was well; upon which the examinant asked Mr. Venables and Mr. Wainwright, who seemed to acquiesce with Thomson; admitting, that it might possibly be, as he had said; and the examinant at the same time told him, he insisted upon his making out the said account demonstrably against the next Committee day; that afterwards the examinant went again, and sir Robert Sutton with him, into Thompson's room, who had a person with him, and staid two hours, and nothing was mentioned, and went away; but the examinant not being easy went back, and had the doors of the several rooms opened, and brought Thomson to the Committee, where he repeated what he had before said to the examinant; and the whole board acquiesced on his promise to clear up this matter; but complained he was very ill. And the examinant said, it was the first time he had a suspicion of any thing, which however was suspended in hopes of the account he promised; That the said Thomson went away that night, as the examinant was informed; at that time the goods were lotted out, in order to a sale, which the examinant has heard was to be styled a 30,000*l.* sale, and was to have been in a few days.

And being asked if an Account was laid before the Committee, by which they were to declare the last dividend, the examinant said, he believed there was; and does not remember any debate at the Committee about the dividend, but believes there was a discourse (but whether at a Committee, or without doors, the examinant does not remember) of dividing 3*s.* 6*d.* or 3*s.* per share, but the dividend was declared at 3*s.* And the examinant further said, that he does not know, that Robinson or Thomson took in any shares of the Corporation for any person in their own names, or in trust for them, or that they ever paid in any money on augmented shares; and does not know of any money or shares given to any persons for obtaining either of the licences, or of any sums of money or shares given to any person, or upon their notes, whilst the Corporation affairs was before the parliament, or that any demand was made for services performed by any person.

And the examinant said, That he has taken notice of the large sums of money, which were in Robinson's hands, to sir Robert Sutton, sir Archibald Grant, Mr. Burroughs and Squire, at a Committee, and could not imagine what reason could be given for the same, when the Corporation were to give him 1*l.* per cent. for circulating their notes. The examinant was answered by Burroughs and Squire, that it was impossible for Robinson to negotiate the same without a considerable sum of money always in his hands; but hoped it would be but for a short time, for in their judgment their notes would be taken like the Bank or South-Sea notes at a premium. That when the examinant has contended for having the warehouses inspected,

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Burroughs and Squire have pleaded against it, and sir Archibald Grant used to nod, as assenting to what they had said; that the examinant repeated the same motion of having the warehouses inspected a short time before the general court, which was held in September last, and before Thomson and Robinson went away; giving it for a reason, that the proprietors should have that satisfaction; it was urged by Burroughs and Squire, that if any such thing was to be put in execution, it would run down the stock; and represented, that Robinson having so large a share in the capital, it would be cutting the grass under our own feet, and be of great detriment to Robinson; and the examinant also said, that he has often persuaded sir Robert Sutton to exert himself, and not to be governed by Burroughs and Squire, &c. but took little notice; and, when he was at the Committee, frequently took the news-papers and perused them, neglecting the business for which they met. That the examinant has often gone beyond decency with sir Robert, to engage him to give more attention to the business of the Corporation.

That when this examinant has made motions for the service of the Corporation. he has been sometimes supported by Mr. Torriano, and sometimes by sir Robert Sutton, who has said, Why is not that complied with? for it is right it should be so: That Mr. Aislabie seldom attended, and Mr. Bond but very little in the examinant's time, and Mr. Mann but sometimes; That the examinant thought a great indolence reigned among the directors for some time past; Mr. Burroughs acting as chairman and secretary for near 12 months, had thereby a great opportunity of obstructing or diverting any motions if he disliked them. And the examinant said, he has seen things entered in the minutes, which he is satisfied, were never once mentioned in his hearing; and does not remember, he ever heard any debate about books proper to be laid before the House. And the examinant further said, that he never saw Jones till the last session of parliament, when he came to this House, and had a paper in his breast, and complained of injustice done him by the Corporation; The examinant asked, how; Jones said, by their private sales, and depriving him of his 2*l.* per cent. commission; and said, he would print that paper, which would answer the Corporation's case paragraph by paragraph; Upon which the examinant desired to see it, but Jones would not, but read a paragraph out of the same, relating to private sales, and does not remember that Jones said, he was a cheque on Thomson, or of fictitious pledges; and that if he had read any such thing, he should have been alarmed; whereas he has since laid out above 5,000*l.* in the stock; and does not remember any thing was mentioned about a register.

And being asked, if he was present at the making out the 60,000*l.* notes, examinant said, he did not remember the making of them out; That one day he came late to the Corporation-House, when the said notes were cancelling, and he helped to burn them; and has heard that bonds were issued; and was not at the Committee, when they were resolved upon, which as he understood were meant merely to be exchanged for due notes; and does not know of any dispute had, at the Committee about them; and does not know council's opinion was taken relating to the issuing the said bonds; and heard that sir Archibald Grant, Squire, Burroughs, and sir Robert Sutton, met Robinson at the tavern, and give him their words of honour, that he should have 4,000*l.* bonds to exchange for notes upon his representation that he was discredited, if it was perceived that the company distrusted him, and left him nothing to transact in their affairs. This examinant likewise understood that Robinson made this a condition of his complying with the mortgage of his estate to sir Robert Sutton in trust for the company.

Sir *Archibald Grant*, baronet, one other of the Committee, being examined, said, That he was concerned with Thomson in two minerals, One in North Britain, and the other in Norway; and had acquainted the inspectors and commissioners of bankruptcy with the same, and knows not of any other partnership; Was also concerned with Robinson in buying York stock, who managed the same, and has accounted for the same with the examinant; That Thomson has frequently bought shares for the examinant, and paid for them, which the examinant accounted for; and does not remember, that Robinson ever bought any for him; and had likewise paid all or more than his proportion of the charges expended about carrying on the mines: And likewise concerned with the said Thomson in a lease from lord Lisburne of grounds in Wales, for which 200 guineas were paid; and the examinant has paid his proportion of that and all charges: And in a glass work in North Britain; a fifth part of two fishing bushes; and has paid 350*l.* part of the expence due from him; and remains unpaid 192*l.*: In another lease of grounds in Wales, in which was a copper vein, but paid nothing except 10*l.* or 15*l.* for charges, which was laid out in making trial of the same, and is elapsed for not working the same; and has had money transactions with Thomson from the year 1724; and an account current with him for Bills of Exchange remitted to Scotland, and from thence to London; and when the same was stated in May last, a balance of 437*l.* 4*s.* 6*d.* ¾ was then due to Thomson; for which the examinant gave him a note, of which 56*l.* 6*s.* is since paid; so that he is now indebted to Thomson 380*l.* or thereabouts: and does not recollect to have had any other dealings with him, excepting some Bills of Exchange, which were paid as due, and did not enter into account; and perhaps some inconsiderable loans of money, which were soon repaid, and did not therefore enter into the account; and also a sum of 3,120*l.* which the examinant raised upon his shares, and paid to Thomson in 1728,

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and the beginning of 1729, and had not credit in his account for it, Thomson alleging in 1730, when the omission was challenged, that he did not give credit for it, because he was ready to repay it when called for; and accordingly did repay it about November, 1730. And examinant said, he also had some transactions with Robinson in 1724 in York stock, which Robinson bought and sold for him, and accounted for the difference; He also borrowed money of him on loans, which were to the value of the money so borrowed, and was pressed by the said Robinson, that if the examinant had occasion for money, he hoped he would make use of him; and as the examinant paid interest, he thought he might be of service to Robinson with regard to his principals, who, as the examinant has heard, were considerable persons; and the examinant apprehended, that he never borrowed any sums of money of Thomson or Robinson, but what he thought the said Thomson or Robinson were able to lend out of their own fortunes. And in the years 1725 and 1726, examinant had two transactions with Thomson, one for 8 or 4,000 York stock bought for time, by which examinant lost 80*l.* and another since that for some few thousands of South Sea, bought for time, and not taken in; and by that lost 200*l.* and does not remember any other. And the examinant further said, he had an account with captain Burroughs, which is balanced; and never had but one transaction with Mr. Squire, and then lent him 400*l.* for which Mr. Burroughs gave the examinant credit in his account with him; that he never had any adventure, but what his own private fortune could satisfy, were it never so unsuccessful.

And the examinant further said, That he does not know of any money or shares in any shape given to any person for obtaining the licences, but only the fees. And when the second licence was applied for, the examinant was in Scotland, but came to town, before it was granted; but believes, Burroughs solicited the same: And the examinant and Burroughs were with Mr. George Tilson on that occasion; and remembers Mr. Tilson bought shares; but cannot be certain, whether the same were bought before or after obtaining the same; and to the best of his knowledge, the said shares were not sold six pence cheaper than the market price; And further said, that Mr. Burroughs solicited the last licence, until he went into Scotland with the examinant; and the same was obtained during their absence; and heard, he made an affidavit that the sum of 300,000*l.* was lent out, and that they had loans amounting to the same; and it was understood, that notwithstanding there was deficiency in their payments, yet as the same was obliged to be paid in, and notes to a considerable value were lent out, they might apply for an augmentation of their capital; but does not know, any order was made at any general court to apply for the same, but apprehended, it was only by the common consent of the Committee; and the same, as he heard, was obtained on that affidavit: That the examinant, Mr. Bond, and sir Robert Sutton, were two or three times at the Attorney General's, and Mr. Attorney made some difficulty on extending paper credit, saying, he thought there was too much of it already; and said, an account was laid before the Committee weekly by the Cashier and Accomptant, of what cash was remaining in the Cashier's and Robinson's hands; That when the last licence was obtained, the examinant was in Scotland, and that the Committee knew of the said affidavit made by Burroughs, and makes no doubt but all the officers knew the same; and believes the officers were asked by several with regard to the loans in their custody; and the examinant has asked them, and believes the Committee of Accounts had done the same, and does not know of any formal report made from the said Committee of Accounts relating to it.

And he also said, that he did not know shares had been sold to any person for 5*l.* while the Corporation was before the Parliament, but were sold for 6*l.*

And being asked, if at their private meetings no computation or list was made of gentlemen's names who could be of service to them; the examinant said, a list of the parliament was before them, and each gentleman wrote out of it such names, as he thought he had most interest with, to acquaint them with the affair, but does not know any proposal was made to them; and it has been often talked of, that it would be necessary and agreeable to engage gentlemen who were of figure and fortune, to become proprietors at the same time the affair was in Parliament, and at other times; and said, that sir Thomas Robinson bought shares at the time the affair was before the Parliament; and examinant was informed by colonel Cope, that he had bought shares by his broker in the alley; and Mr. Banks likewise said, he had bought; but does not know of any shares being bought for time; and never saw an account of what gentlemen had bought shares of Thomson and Robinson during the said time.

And the examinant also said, That a Bill was delivered to the Committee of an account of charges expended, during the time of the Corporation's being before the Parliament, amounting to 1,400*l.* but some part of the solicitor's bills was not included, and to the best of the examinant's knowledge the whole was computed, which did not exceed 2,000*l.* that he was present when the order of the House of Commons was brought, for laying their book or books of orders before the House; and the books sent were, in the opinion of the several gentlemen then present, the same that were meant by that order, and does not remember any objections were made.

That being asked, if any gentleman had applied to him, or any other person, for services done in Parliament, or since; the examinant said, that Mr. Mann mentioned to the Committee, that Mr. Hughes told him he had taken great pains to do the Corporation service, and

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that he seemed to look sour, and complained no notice was taken of him. An answer was returned, that it was not in their power to gratify Mr. Hughes; if they did, it must be out of their own pockets, and not out of the Company's money; and believes at that time sir Robert Sutton, Mr. Molesworth, Mr. Bond, Mr. Burroughs, and the examinant, were present.

And the examinant said, he had never reason to suspect, that embezzlements were made of the Corporation's effects, or of any person that was acquainted with it, but from the improbability of some officers doing so extraordinary a thing by themselves, there is reason to believe that such embezzlements could not have been made without some person in the direction's knowledge, but cannot charge any one; for many of them attended constantly, viz. most of the assistants, except Mr. Waller and Mr. Whichcote, who attended but seldom; and likewise most of the Committee, excepting Mr. Aislabie, who came but seldom; and those persons, who were looked upon to have the chief management of affairs, were Mr. Burroughs, Mr. Squire, Mr. Jackson, Mr. Moody, and Mr. Torriano; and Mr. Burroughs was looked upon to be the fittest person to examine the accounts, and frame the books.

And he also said, that in the last session of Parliament, Jones the auctioneer came to the examinant's house, and complained to him of the injustice done to the said Jones by the Corporation's private sales; the examinant replied, that he was but one, and if he would acquaint the Committee, no doubt but he would have justice done him; and told Jones, that it was his own fault that his account had not been settled before; and does not remember, that he sent for Jones, or that he ever mentioned any thing about the cheques being taken off; but said, Jones informed the examinant, that he was applied to be an evidence against the Corporation, and said, that without justice was done him, he would appear against them; to which the examinant answered, that if he, Jones, knew any thing to the prejudice of the Corporation, as he was a servant and officer, it was his duty to acquaint the Committee with it; and to the best of the examinant's knowledge, Mr. Waller was with the examinant at the same time; that being asked, if he had not heard there was an insufficiency in pledges, the examinant said, he had not heard of any such thing, except that one Clarke had reported an insufficiency, and Thomson was ordered to give an account thereof, but does not remember, how it was complied with; and the said Clarke, who was the surveyor, was turned out by an order of Committee: and the examinant said, that he was present at a Committee, when it was mentioned, that gentlemen should look out for a fit person to survey the warehouses; and it was not opposed; and does not remember he ever saw Tench's cash book with Robinson; but has heard it often represented to the Committee, that it was necessary to have large sums of money in Robinson's hands, to take up notes as they became due; and never imagined, that Robinson had greater sums in his hands than 20,000*l.* at one time before the last session of Parliament, and does not remember any particular order for the inspecting of Tench's cash book. And the examinant further said, that the two first dividends the examinant did not know in what manner they were declared; but at other times the accomptant used to lay before them an account, upon the balance whereof, the dividend used to be declared; that it was the business of the Committee of accounts to inspect all books, and to make a report; but the examinant does not remember any reports were made from them, excepting one; and that the last dividend was declared without an account being laid before them, as it used to be; the reason was, that the accomptant had not quite finished the account, and that there was a general satisfaction, that there was sufficient to answer the dividend proposed; that a resolution was made, that so much might be divided; and remembers, that it was mentioned at a Committee after the general court, that a large sum of money was remaining in Thomson's hands on account of sales; and it was at the same time said, that, though it seemed a large sum on account of sales was mentioned to be in the said Thomson's hands, yet the goods were remaining in the warehouses, and the borrowers, having bought the same, had not fetched them away; and said, that Thomson's salary was increased in 1730, from 150 to 200*l.* per annum; and being asked, if he knew of any co-partnership for buying up shares, the examinant said, he did not know of any, but that Thomson and Robinson had bought numbers of shares, and the examinant has had shares of Thomson for which he paid him.

Dennis Bond, esq. one other of the Committee, being examined, said, That he was in the country, when Thomson went away, and heard of it by letter the first post after; and about six weeks after he was gone, as the examinant was coming up to town, he met a gentleman, who told him the Corporation was ruined; and the examinant said, he was informed and did believe the money had been made use of in Change Alley, and did not imagine it could be made use of any other way; that he heard it talked of, when the Corporation was before the Parliament last sessions, there had been great dealings in York stock by some person belonging to the Corporation; but had not the least suspicion of any embezzlements; that for three years he did not attend but very little, and was not at one general court during that time; and had but little stock; that he never was one of the committee of accounts, but when he was at the board, always called for a general account to be laid before them, and acquainted the gentlemen who were the most acting men of the Committee, that if he knew they divided 6*d.* more than could be, he would leave them; that he gave Thomson a 500*l.* note to pay in upon his shares, which he never did; but there being an account for work done for the examinant by

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Thomson's brother, and said Thomson settled the same, and gave the examinant a bond for the remainder, which was 286*l.* and the examinant believes, that as the money went through Thomson's, Robinson's, and Tench's hands, they must know how the same was made use of; that the examinant lay at the house in Fenchurch Street about five weeks, and an order was obtained from the general court, that no person should lodge in the house but the servants.

And the examinant said, That he never heard of any complaint against Thomson, and did not know it was in his power to make away with the Corporation's effects; or that Jones ever informed the examinant of any such thing, or about a surveyor to inspect the value of the goods in the warehouses. The examinant has heard that there were frequent quarrels between Thomson and Clarke, who was the surveyor of the value of the pledges; that some gentlemen said, that as Thomson had given security, and as they could not agree, Clarke should be discharged, and another got in his room: that the said Clarke came into the Corporation a short time after they began to do business: that the examinant remembers but little of their affairs, and believes an agreement was made with Clarke for eleven months, and thought a surveyor was necessary; but believes afterwards an order was made for the discharging of the said surveyor, he being a charge to the Corporation; and the committee of accounts was looked upon to be a proper cheque upon Thomson: that being asked, if he knew that Robinson or Thomson took in any of the Corporation shares for any person in their own names, or in trust for them, or that Thomson or Robinson paid in any money on augmented shares, or of any money or shares given to any person to forward the obtaining any of the licences, the examinant said, he did not: that he remembers sir Archibald Grant, and sir Robert Sutton called on the examinant, and they went together to the attorney general's; and the conversation that passed there, was relating to Mr. Attorney's objections, mentioned in his report upon the petition for obtaining the third licence; that, when the same was obtained, the examinant was out of town: that being asked, if he knew, what was become of the 2000 shares, set apart for the payment of the Corporation's debts; the examinant said, he did not know what was become of the same; that he had 1000*l.* deposited in his hands, and paid it back again, pursuant to an order made for that purpose; that he never had any shares, but what he paid in upon. And being asked, if he knew any thing about a key being taken away from Wainwright, and given to Lovell, said, he did not, but has heard the same was taken away.

William Aislabie, esq. one other of the Committee, being examined, said, That he was chosen into the direction in 1729, and became a proprietor at the intercession of Robinson; and that he seldom attended; and in the year 1730, the examinant desired, he might not be chosen in again, but was, and knows nothing of the Corporation's affairs, or of the embezzlements which have been made; that, when the Corporation was before the parliament last session, the examinant attended at two or three meetings, to settle the briefs for council, and when the affair was over in parliament, the examinant attended no more, as not liking the reports spread of Thomson's trading, and complained thereof to sir Archibald Grant, and told him, he thought it was proper the warehouses should be inspected; sir Archibald said, that Thomson was going to quit the same, and then he would give an account of every thing; at the same time said he believed him to be an honest man.

Robert Mann, esq. one other of the Committee, being examined, said, he was chosen of the Committee in December, 1726, and appeared amongst them the first time, on the 4th of January following: that he knew but little of the Corporation affairs, and not of any embezzlements that had been made; but was persuaded by Robinson, to buy shares, and become a proprietor, and to lend money on shares, from time to time: that there are in the names of the following persons, 4125 shares, viz. 815 shares in the name of Mr. Pepys, 40 in the name of Dr. Whitacre of Maidstone, 3270 in the examinant's own name; 1000 of the said shares remain as pledged by Robinson, and 3125 are the examinant's own, besides 1700 privileges, and paid for by him: That then the examinant produced to the Committee an account current between George Robinson and the examinant which upon settling all papers were cancelled, and releases given to each other, and the balance due to examinant amounts to 13,749*l.* 10*s.* 3*d.* That after the said account was balanced, the examinant lent Robinson 3000*l.* which makes the total 16,749*l.* 10*s.* 3*d.* and refers himself to the said account: that in August, September, and October, 1730, the examinant bought 43,000*l.* York stock, at about 32. That in the same October, when he came to town, he sold 40,000*l.* thereof, to Squire, and was paid in Charitable Corporation shares; that Robinson set the price between them; that the prices of the shares was 8*l.* 19*s.* and the price of the stock was 32¼. That Burroughs said, he had saddled them with the York stock: that the examinant complained to Robinson of the price of the shares; Robinson told him, he would take them at the same price, provided he would give him time, which he did, and took his note for the same.

And being asked, whether he was concerned in obtaining the Second Licence in 1728, the examinant said, he was not, but heard that Mr. Burroughs solicited the same, and said, that he complained of Robinson to Mr. Torriano, by way of letter, of not knowing of the license being granted, and produced a letter from Mr. Torriano, which was read;

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and when the examinant came to town, he purchased 70 shares, and believes the same were bought of Mr. Torriano at 10*l.* 10*s.* and the said licence was kept a secret from him; and meeting with Squire at the coffee house, complained of the same being kept a secret; Squire damn'd him, and said, if we had let you know of it, you would have bought too many: that he had heard, that Burroughs solicited the last licence, but does not know of any money or shares given, or steps taken, for obtaining either of the said licences, or ever heard of any debates about inspecting the warehouses.

And the examinant said, that he was laid up with the gout great part of the time the Corporation was before the parliament, and does not know or ever heard, any money or shares were given to any person, whilst the same was depending, or afterwards; or was ever a trustee for any person for shares, directly or indirectly. And being asked, if any hints had been given him by any person of any rewards to be given for services done for the Corporation, the examinant said, that one person had made broad signs to him; being asked, who, he said, Mr. Hughes: that he, Mr. Hughes, told him (at the said Mr. Hughes's house) that he had take a great deal of pains for the Charitable Corporation, and that he thought he was slighted and ill used; for that there was a book wrote in defence of the Corporation; and he wished it might be printed. That the examinant did mention the same to some of the Committee in the Committee room, and the examinant believes, it was left to Robinson to do as he pleased; but does not know, whether any thing, or what was done, and does not remember, if the same happened at the latter end of the session, or, after the parliament was risen; and believes, he might tell Mr. Hughes, he would do what he could for him; and being asked, whether by reward he understood money, he replied, what could he think else? being further asked, whether service in parliament was mentioned, or not, he said, no.

And the examinant further said, that he formerly lent Thomson money upon shares, and is now indebted to the examinant 2,000*l.* on bond, for which he has a collateral security, a bond for 2,000*l.* of Mess. Blackwood and Cathcart, payable at Christmas next.

And being asked, how Robinson could pay in on privileges that were in so many people's names, the examinant said, that he could not account for other people: but what privileges Robinson paid in upon, as far as related to this examinant, were on shares which had been pledged to him, and was intitled to such privileges; that, about the latter end of last summer, the examinant remembers, that it was mentioned, as a thing proper, that the warehouses should be inspected, which was promised to be done; and about five or six weeks before Thomson went away, he went to the house in Lawrence Pountney Hill, where he found sir Robert Sutton, sir Archibald Grant, and others; and asking, what they were doing, one of the gentlemen shewed him a paper of accounts, in which was the balance of cash then in Robinson's hands; and the examinant said, he was sorry to see it; but said, he had something to offer of a great concern, which was the inspecting of the warehouses. Then sir Robert Sutton asked the examinant, what he thought of Robinson's circumstances; said, he hoped they were good, or he would not have trusted him, as he had done; sir Robert Sutton replied, you ought to know them as well, or better than any man; and the examinant asked him the reason why; sir Robert answered, because you are one of his securities, here; the examinant said, if he was, he did not know it; and upon which the examinant went to Robinson, to know if he was, or was not, knowing he had been his security somewhere, and proved, it was with Mr. Aislabie at Doctors Commons, for Robinson's administration to Oaker's children; said, that he afterwards went into Randall's Coffee-house, and stayed some small time, when Thomson came in, and told the examinant, he had been unkind to mention what he did that morning at the Committee about the warehouses; the examinant said he thought he was obliged to him; for if he was that honest man, as he said he was, the examinant had given him an opportunity to acquit himself to the world; Thomson answered, if he did, he would do it once for all; that he understood by that, he would resign; and the examinant believes Mr. Torriano first put the question into his head.

And the examinant further said, that, when Mr. Robinson first came into England, the examinant saw him several times, and in company with Mr. Aislabie, and others, but could get nothing out of him relating to the Corporation, but pleaded ignorance, and that he went with Thomson to get out what he could of him, but could get nothing. And the examinant asked Robinson, if he had seen Burroughs, or Squire; Robinson said, he had not, and expressed a resentment against them both.

William Burroughs, esq. one other of the Committee, being examined, said, That he does not know of any embezzlement made of sums of money belonging to the Corporation, but what he more apprehends to have been committed by Robinson and Thompson, and cannot say for whose benefit the same was applied; and further said, that Robinson and Thompson have bought and sold shares for almost all the directors, and paid for them; and said, that shares have been bought for the joint account of sir Archibald Grant, the examinant, Squire, Robinson, and Thomson; and the said Robinson and Thomson have paid in on the examinant's shares, but cannot recollect that they paid in on any others. And the examinant also said, that to the best of his knowledge he never knew or heard, that any money or shares was, or any promise, given, for obtaining of the licences; that before the obtaining of the second licence, the examinant transferred several shares, which were bought by him, to

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Mr. George Tilson, who paid the market price for them, which was six or seven pounds per share, and also paid in on the privileges; and the said Tilson has paid 10*l.* per share; and it will appear by the Corporation's books, when the same was transferred. That the examinant was privy to all the charges paid for obtaining the second licence, which amounted to 300*l.* and was paid in money; and also said, that he never knew or heard of Thomson making fictitious certificates, until he went away; and apprehends, these misfortunes could not have happened to the Corporation, but by the connivance of their principal servants, who were Thomson, Robinson, and Mr. Tench, their late cashier. And the examinant said, he was employed in soliciting the last licence, and paid some of the fees, and made an affidavit of the 300,000*l.* being lent out, which affidavit was in the hands of sir Philip York; and when the same was obtained, the examinant was in Scotland. And being asked, if he knew of any money or shares given to any person, whilst the Corporation was before the parliament last session, the examinant said, he knew of none directly, but has heard it said such a thing might be necessary or agreeable; and being asked, who it was that said so, the examinant said, he heard it from more than one, and was difficult to recollect their names; that he did not apprehend the badness of the Corporation affairs, but since Thomson and Robinson went; and it never came to his knowledge, that Thomson could draw out the Corporation money, as he pleased; and never knew he was concerned or carried on any trade, except that of the mines in Scotland, and Norway; and that Thomson had taken an oath before the affair was in parliament, that he had not traded for 12,000*l.* during the time he had belonged to the Corporation; but the examinant knew, he had brothers in trade, and that his father frequently drew bills of exchange upon him, and was looked upon to be a great banker or goldsmith, and a man of fortune. And the examinant also said, he never was possessed with a jealousy, that Thomson had the command of the Corporation money; and further said, that there was an account of shares bought between five gentlemen, viz. sir Archibald Grant, the examinant, Squire, Robinson, and Thomson, which account Robinson was to have kept, of which he sometimes had memorandums; that there was also another account between four of the before-named gentlemen (sir Archibald Grant excluded) in purchasing of shares; and that Robinson has never given any account for any part of the same; that a memorandum of shares bought was signed by four of the gentlemen, and the same were kept by Thomson; and the said five gentlemen were concerned in the mines, and used frequently to meet once a week at Mr. Leafe's or at Pontac's to consider of them; that the said shares were purchased in hopes of a rise, and never had any transactions of consequence with Robinson, but in York stock and shares; and does not remember, that ever Robinson paid in on any privilege shares for the account of five, or that any dividends were received on the said privileges; that there was a transaction of 90,000*l.* York stock bought at 12½ for time, wherein No. 5 were concerned, though not equally; and could have pledged it for 15 before it came due, and could since have sold it from 35 to 39; which Robinson has since sold, and does not recollect that ever any great loss happened to them, but on the contrary great advantages have accrued by such transactions; that each were at liberty to sell when they thought proper, and had no share in each others profit made, either in shares, or York stock; and said, that one of the occasions of their agreement to buy shares was, that Wood had got great numbers of shares from sir John Meres; and were afraid, he would load the market, and that Robinson had all the shares at first in his power; that being asked, who attended to solicit the second licence, the examinant said, that sir Robert Sutton, sir Archibald Grant, Mr. Bond, and the examinant, attended; and that the licence bears date from the time of going out of the secretary's office, and was dated a long time before it was finished; that he went to Hampton Court to fetch the said licence, and believes, the proprietors were apprised of the intention of obtaining the said licence, and all the directors were acquainted with it, and that it was impossible it should be done without an order of the Committee; and if there was not, it was usual for the directors of Corporations to get what advantages they could for the proprietors, without acquainting them with it; that the examinant sent a letter to sir John Meres of the licence being obtained, who sent him back in answer, that he had an express from Hampton Court of the same being obtained, half an hour before the examinant's letter came.

That being asked, if it was never debated or talked of at a Committee, to give shares to procure an interest, while they were before the parliament, the examinant said, that he believed such a thing in general was mentioned as agreeable and necessary, but by whom, he could not say; and also believes, it was never put in execution.

William Burroughs, esq. being further examined, said, that he does not know of any embezzlements made of sums of money belonging to the Charitable Corporation by any person or persons, except by Mr. Higgs the secretary, and one Cock formerly a warehouse keeper; but the examinant has had money from Thomson, and imagined it was his own; and has since Thomson went away, imagined, that he made fictitious certificates, and purchased defeazances of the real borrowers, and has sold the goods and applied the money to his own use; and being asked to explain the same, he said, suppose a pledge made for twelve months, at the expiration whereof Thomson might call on the borrower to redeem

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them, and the person not being capable to redeem the same, might take 100*l.* more than what he pledged them for, by which means Thomson obtains the defeazance, and sells the goods without the knowledge of the Corporation.

And farther said, That Thomson and Robinson had taken in shares for the examinant, and the others concerned in the agreement, but cannot recollect; and have bought shares for sir Robert Sutton, and most of the committee and assistants; and that Robinson and Thomson have paid in on such shares purchased for No. 4 and 5; and does not know of any money or shares given to any person whatsoever for obtaining the licences, to the best of his knowledge; and believes the books do not mention any such thing; but that Thomson and Robinson had numbers of shares in their power; and does not know, that either of them disposed of such shares at a low price, to induce any person to assist the Corporation, whilst they were before the parliament, or that any person was empowered to make such an offer, to the best of his knowledge.

And the examinant further said, That he was present at a meeting, and believes the same night the order of the House of Commons was made for the Corporation to lay their Book of Orders before them, when sir Robert Sutton, Mr. Bond, sir Archibald Grant, and believes some others, and a mixed company, but cannot say, whether it was at the King's Arms, or at the Star and Garter tavern in Pall Mall; and does not remember any debate of importance about what books should be produced, but believes, a doubt arose about the books ordered, and does not remember the particulars of it, and cannot recollect that any books were at the tavern; but the examinant said, he thinks the next morning at the Corporation house in Spring Garden, some words passed about what books were proper to be laid before the House; and it was not thought proper to lay the book, wherein were entered deeds, leases and contracts; but took the books of instructions to their several officers and servants, and the book of dividends, to be the most proper books; and believes, it might be said, that one book would be very prejudicial, if sent; the same not being asked for, it was thought very improper to send it; and the particular reason for not sending the said book, it was thought it would be prejudicial.

And the examinant further said, that he does not know of any sums of money, or Charitable Corporation shares, given to any persons absolutely, or only upon their notes, whilst the Corporation affairs were depending in the last session of parliament; but the examinant being informed by Thomson, that he had sold 200 shares of the examinant's to sir Thomas Robinson, a member of the House of Commons, at a market price, upon which the examinant transferred them to David Faikney, who transferred the same to sir Thomas Robinson; and Thomson told him, he would receive the money, and actually sent 7 or 800*l.* of the same to the examinant, and was to account for the remainder, who did not know what the whole amounted to; that afterwards 300 shares more of the examinant's were sold to sir Thomas Robinson, which were transferred by the examinant to a third person, for which the examinant received of sir Robert Sutton 1,900*l.* after sir Thomas was gone to France; and the said shares were part of the shares belonging to No. 5, and that directors of companies seldom transfer their own stocks, but chiefly by a third person; and did not transfer any other shares, or knew that any other person had, to members.

And further said, That sir Archibald Grant talking with the examinant about the affairs of the Corporation, whilst before the parliament, sir Archibald said, Since we think it necessary to get gentlemen of fortune and figure to assist us, may be, I can dispose of a thousand shares amongst some friends; but the examinant said, he believes the same was not done; and knows not of any money or shares given to any persons for their assistance in obtaining the licences, or for any interest or friendship, whilst their affairs were depending, or heard any proposal for giving stock to persons without paying for the same, until they were disposed of, or of stock being sold to members for time, or of shares being sold at an under price, than what they would sell for at market.

And also said, That Mr. George Tilson paid the market price for the shares bought by him of the examinant, and part of the money was paid before they were transferred, and the remaining part on transferring the same; that he believes that sir Robert Sutton spoke to Mr. Tilson to become a propreitor; that it was a good thing, that it was before the obtaining the second licence.

And being asked, if there was not an uneasiness among the Committee, or were not apprehensive of the large balance in Robinson's hands before he went, examinant said, they were uneasy about the balance due from Robinson, and called on him to settle with the Corporation; and that Robinson made over his shares and estate to sir Robert Sutton, in trust as a security to answer the said balance, and soon after gave a bond and judgment of all his effects to sir Archibald Grant, and Mr. Molesworth; and before Thomson went away, there was an uneasiness among the Committee with respect to their warehouses; and called upon the said Thomson to lay a state of the same before them, which he promised but never did; and had no apprehension, that Robinson was indebted to Thomson.

And the examinant further said, that in May last it was agreed on at a Committee, that new notes to the amount of 60,000*l.* should be made out, with which it was designed to take up the old notes at that time due, or would be due in a short time; and accordingly notes were made out and made to bear date before the determination of parliament that no more notes should be issued; and were signed by

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Tench, and not by any other person, and were then locked up, and afterwards destroyed; and bonds were created, as being more acceptable, and were to take up due notes, or as they should become due; and an order was made for Robinson to have 4,000*l.* in bonds for the same purpose; that when pledges have been renewed, new notes have been struck, and to the best of his knowledge no inquiry was ever made about pledges subsisting upon renewals; and, believes, their ruin is in some measure owing to that.

And the examinant said, he was at a meeting with Jones the auctioneer, who was a troublesome man, and said, Jones then complained of his being injured by private sales: That he seldom attended at the Corporation house, but when the Corporation was before the parliament, he then complained and insisted on what was due from the Corporation, otherwise he would publish a paper, which he shewed the examinant, and read a paragraph out of the same, which was not true; and the examinant told him, he should be satisfied, and accordingly gave him a note for 500*l.* great part of which was due from the Corporation to him, which he afterwards sued the examinant for: The examinant believes, he has the said paper by him, and never shewed it to sir Robert Sutton or any other of the Committee; and was desired by sir Robert Sutton, Mr. Molesworth, and several others, to make Jones easy, and has not been reimbursed the said 500*l.* but believes the Committee intended to make it good: That the private sales Jones complained of was no otherwise, but that the owners of goods had the liberty of selling the same, and does not remember of the least mention made in the said paper, that it was in Thomson's power to draw all the cash out of the Corporation by fictitious certificates.

And the examinant also said, that when the before-mentioned notes were ordered to be made, he is positive sir Robert Sutton, Mr. Bond, Mr. Molesworth, sir Archibald Grant, Mr. Mann, Mr. Jackson, and Mr. Squire, were present with the examinant, who made a minute for making the said notes on a loose paper, which was locked up in the chest with the said notes; and remembers at the same time, that Squire, Jackson, and the examinant, were to see the same performed, and Tench was present, who signed the said notes; and believes Mr. Wainwright was backwards and forwards, but did not sign them, or any of the Committee or Assistants, which must have been done before the same could have been issued; and the said notes were dated the day they were made, which was prior to the time limited in the bill; and were made of the same paper as the pledge notes, but not numbered or marked, as being of no signification.

Then a Minute of the Court of Committee, the 8th of November, 1726, was read; it was ordered, that not any more should be lent upon one pledge than 2,000*l.* without application.

The examinant said, he believes application had been made for lending a greater sum on one pledge, but cannot particularly remember it; and said, the Committee condescended to whatever Thomson thought proper; That being asked, if rent for warehouses had ever been brought to account, the examinant said, he remembered to have once seen an account of warehouse rent; but knows of no order made for inspecting the warehouses of the said Corporation in February, 1730; for the books were sufficient to shew what they had, provided real pledges had been therein; and said he did not know or apprehend any embezzlements had been made, when the Corporation was before the parliament last session; and said, that he had heard of Robinson's transactions in South Sea and India stock, but had no jealousy of him but from the great balance remaining in his hands; and at the same time believed, he had good principals, and was supported by men of fortune and figure; and the examinant further said, he remembers it was mentioned at a Committee, and believes sir Robert Sutton was then present, that it would be of service to the Corporation, if gentlemen of both houses and men of substance had stock; and does not know any proposal was made, but that every gentleman should speak to his friends to engage them to become proprietors: That he also said Mr. Robinson had informed the examinant, that Mr. Hughes, a member of the House of Commons, had made a demand of him for services done for the Corporation in the last session of parliament, and had complained to the said Robinson, that he had been ill dealt with, the examinant apprehended he meant by the Corporation; and said, that he had some discourse with sir Archibald Grant about the same, and believes, it might be mentioned in the Committee room, when several gentlemen were present at such conversation, and believes sir Robert Sutton and Mr. Molesworth were there, and happened after the parliament was risen, but could not say any gratification was made; if there was any, it was done by Robinson, but he does not know it, and believes not any was given, and apprehends Robinson mentioned it as a thing proper to be done; and the examinant could not say he discouraged it, and cannot remember any person made application to support it, but Robinson, who seemed to smile, when he first mentioned it.

And also said, that sir Thomas Robinson bought the shares before mentioned absolutely, and at the market price, and was, as he believes, to have no consideration in any shape, if fallen below the price he paid for them.

Thomas Beake, esq. one of the assistants, being examined, said, that he has been ill a considerable while, and did not know of any embezzlements made before Thomson went away; that when he has gone to the house on Lawrence Pountney hill, the Committee have been generally rising, and cannot account for the mismanagements which have happened; that when he was appointed an assistant, he

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apprehended, the same was only nominal, and when he has been at the Committee, he observed the business of the Corporation was chiefly managed by Mr. Burroughs, Mr. Squire, and sir Archibald Grant, who were the leading men; and sir Robert Sutton and Mr. Bond were frequently there, and came into their measures.

John Torriano, esq. one other of the Assistants, being examined, said, he was drawn in to buy shares at a high price, viz. 15*l.* per share, fell afterwards to 6*l.* was then solicited to come into the direction; and when any thing appeared irregular, or not agreeable to the charter, the examinant voted against it, and made it his study to think of good orders and checks, as well for the directors as the officers, to prevent any mismanagements, and which order the examinant often insisted should be put in use, and complained of their being neglected, desired them to be copied for the board, and that copies should be given the officers, to whom they related, and when they were forgot, or purposely dispensed with, he moved for their revival, and the same were often repeated. One of these very often insisted upon was, that the pledge book and certificates of pledges, shewing where each pledge was deposited, should be laid upon the table, which not being done, the examinant called upon Thomson, and impeached him to the committee for not complying therewith; the difficulty of doing it was pleaded hurry of business, and a thing almost impracticable, and would prevent business, because borrowers would not have their names known: these excuses were allowed and strengthened by gentlemen at the board, Burroughs, sir Archibald Grant, Squire, and sometimes sir Robert Sutton: that at the committee of accounts, to which all others were appointed, the examinant constantly attended, and seldom or never failed to call for the accounts of cash as well as pledge books, which accounts of cash were always produced to him, when called for, but not otherwise; upon the account from the 1st to the 12th of February, 1730, proposed, as he had many times before, a visitation of the warehouses, and survey of the pledges, which was promised should be done, and many days set for so doing, but was protracted from time to time, till the city petitioned the Parliament, when the necessary preparation for the company's defence gave interruption thereto, and was pleaded in excuse of its being neglected: at the same time the examinant complained against Robinson's having so large cash in his hands, and obtained an order to be sent him to reduce his balance. This was pleaded for nevertheless, though the examinant complained of the unreasonableness of allowing him one per cent. for circulating the notes, if he was to do it with the Company's own money. The reason given in support of this was, that he having engaged with such who had taken the notes from him, to exchange them again for money at any time, giving him three, eight or ten days notice, had put himself thereby in danger of being pressed and overdrawn, which might occasion him to put off notes that were due, or to break his promise with such whose notes he had agreed to exchange; that this would baulk the credit of the company, and work its ruin. A gradual reduction was engaged for, and that so much should never be in his hands again. The gentlemen who chiefly engrossed the management, were sir Archibald Grant, Burroughs, and Squire, who examined the books themselves, never suffering the examinant to have access to any books, but during their examinations was employed in something of little or no moment: and because the examinant had been so busy and active at the first, and in some sort the chief instrument in bringing this matter of inquiry to Parliament, had been threatened to be impeached for breaking open a lock, and Mr. Groves told the examinant, that Squire purposely gave out this to vilify him. The examinant mentioned it, that he might have an opportunity to explain the same; and replied, that though he had been a director from the 1st of the year 1727, to the 11th of May, 1731, he had never been a guilty one; and said, he opposed the Supersedeas of Robinson's statute in several general courts called by the directors for that purpose, as well as for the opening of the books, and this he also opposed: that he had a good opinion of all the directors, till he found there had been a great embezzlement, and that he still retained the same opinion of some; and being asked an instance of what he principally objected to, the examinant said, that he particularly remembered, the lending of large sums was a point which always stuck with him, as being against the title of the charter; but that upon the enlargement for 200,000*l.* Burroughs, Squire, sir Archibald Grant, and sir Robert Sutton, said, it was granted for the encouragement of trade, and for lending large sums of money upon merchandises and manufactures, agreeable to the prayer of the petition presented to the king for the same; but they insisted, it was impossible two houses could be supported without lending large sums. Being asked, what was said, when he moved for the pledge books to be laid before them; the examinant said, he was often laughed at by sir Archibald, Burroughs, and Squire, who were always there; and being asked, if Mr. Bond was there always, he said, more seldom for the latter than the former part of his time.

Being asked, how many times he had called for the Pledge Books, said, he believed at least a hundred times, and always thought sir Robert Sutton was a favourer of Thomson, and had never known him to dissent or come over from the opinion of Burroughs, Squire, and sir Archibald Grant; declared, he heard in the city a report of Thomson's carrying on a trade, and having called him up to the committee, impeached him to them; he denied the report; sir Archibald before his face said, it was of the examinant's own raising, if he would not tell its authors, and that if the examinant did not

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prove the assertion, he should be made. This was the occasion that the officers were called to give bonds for not buying at sales, which was generally agreed to. Sir Robert Sutton readily came into it. After the examinant had been in a year, he proposed a supervisor; but the gentlemen before named, pleading not only Thomson's ability, but integrity, would not come into it, and opposed it, and pleaded increasing the charges; so he never proposed it again:

And said, the great book (meaning the pledge ledger) was never brought up, but when Burroughs came, whose province it was to examine that; and the stock ledger the examinant never saw.¶ That as to the dividends, was told, sir Robert Sutton was always consulted, which were agreed to at a private meeting of some of the Committee, before it was mentioned at the board, and was never regularly considered there, not considered at all, after the second five shillings dividend. The rule was to be here fixed, and remained so till the city putting them to charge, they reduced it to 3*s.* 6*d.*: that he had no jealousy, when he desired to see the warehouses, that there were none; but believing, when the money appearing to be lent rose to 400,000*l.* and upwards, the two houses could scarcely contain the pledges for such a sum, desired to know, where the other warehouses were, concluding there were others; and further said, that upon Mr. Strange's returning his retainer, the Company were alarmed, expecting the Bank to join the city against them in Parliament. Upon this, sir Robert Sutton, sir Archibald Grant, and Mr. Bond, went to the Bank, and promised a court of directors then sitting, never to issue from and after that day, one more note, desiring them upon this concession, not to stir against the Company, nor to assist the city. Sir Robert promised this, in the name of the whole board, and declared, he would go back, and call a court of committee, and would come to such a resolution, and would send them a copy of such resolution, signed by their secretary, to give them the strongest assurance possible. This committee was called on the 20th of March, 1730, and the examinant was present, and joined in the resolution of not issuing any more notes, and of sending the Bank a copy, and was desired by sir Robert Sutton to be very careful, and see every thing locked up relating to the notes, and to keep the key, never delivering any notes out; which the examinant did. The next morning Mr. Burroughs had the other key of this box, in which were the keys of the iron chest; no attempt was made to get the said key from him till the 11th of May. On the 8th preceding, being Saturday, seeing Squire at the coffee-house, he desired the examinant to come thither on Monday morning very early, saying, he believed he should have something to tell the examinant for the good of the company. When Burroughs came into the city, examinant went; he desired him to stay till Burroughs came; but going home about twelve of the clock, soon after an accident happened in his family, and he went out no more that day nor the next, but sent word that afternoon, if Burroughs was come, he should be glad to see him. Squire sent him word, the next morning would do; then he came and told the examinant, the secret was, that, at a meeting the night before at sir Archibald Grant's, it had been resolved to issue 30,000*l.* notes, either antedating them, or issuing them for six months only, from the 10th and 11th of May; and that Burroughs, who had the other key, was waiting for him at the coffee-house. The examinant told him, for several reasons he was against this proceeding, and mentioned sir Robert Sutton's promise to the Bank, the Minutes on the Book (a copy of which was voted to be sent to them for their assurance) sir Robert's Declaration in the House of Commons, and the Bill, which passed that House, restricting the Company from issuing either notes or bonds, from and after the 15th of May; all which he seemed to think of no force, because the Bank did interest themselves, he said, against the Company; the Bill did not pass into a law, and therefore no Bill and no restraint: upon which the examinant urged the necessity of calling for so much money from George Robinson, complaining, that it was very great folly and madness, to leave so much money in his hands; and that if he could not pay off notes, without having new ones coined for him, there must be a deficiency at last; and observed further, that the Corporation's notes could not be struck but upon pledges, and asked whether they had now an offer for 30,000*l.* in pledges; he answered, No, but that these notes being antedated to the Bill, might be kept till they were wanted; but the examinant answered, that was an evasion, and besides too great a trust for Tench, or to be added to Robinson, who had so much already, and which he insisted should be called out. He left the examinant in much displeasure, saying, he would see what Robinson could say, and soon after sent Burroughs, who using as much or more importunity was answered in the same manner; he urged present necessity, the delicate nature of credit, that the notes must not be baulked, and that the debts should not be increased, but those notes only employed to take up others; which the examinant answered was not the true meaning of issuing specific notes upon specific pledges. Burroughs left him, and came to him again some time after with Squire, importuning him at first, and bullying him afterwards. But upon observing, that new notes coined without new pledges made, was increasing the debt, without having any addition of security, because every note ought to be doubly secured by its proper pledge, but if they went on so, they would render the notes that were out, insecure; and that these notes either antedated six months, or issued only for six months from the 10th and 11th of May, would become due just before the examinant's; and that in November next, they would have near 60,000*l.* to raise, if they were

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to pay off all notes which became then due: This difficulty they thought being removed, they should prevail; offering, that Robinson should immediately pay off the 5,000*l.* notes the examinant had, and so much interest, as was then due; which he refused, looking upon it as a consideration of no weight, and was easy with the present condition and security of them, provided such irregularities did not creep in, and that Robinson's debt was a good one; that the other reasons, which they slighted, were of force with the examinant, though he might reasonably be against increasing the notes, when he had so many; because as he might, being in trade, have occasion for money before they were due, and be obliged to sell them, could not get them so well off, when they were so plenty, as when they were but few: they told him, that if he would not part with them, then Robinson should give him a note to pay as many of them, as he wanted, before they were due, and that all his notes should be paid prior to the others. But as their importunity and these promises increased his jealousy, he gave them an absolute denial, and that he knew as well as they did, that notes regularly issued, borrowing money at six per cent. to lend out at eight or ten, was for the advantage of the Company; only it seemed to the examinant then irregular, and a future enquiry in parliament might arise; and that however beneficial it might be for the company, he would not do it; and immediately upon their leaving him the third time, wrote a letter, and sent his key inclosed therein to sir Robert Sutton; which letter protested against these notes, declared his resignation, and pointed out the sum in Robinson's hands; which letter sir Robert having acknowledged in the general court, they allowed the merit thereof, and that thereby the examinant had saved them a great sum. And produced the said letter dated the 11th of May, 1731; and said, the common custom was to sign notes, when money was wanted for pledges, upon the certificates of the said pledges, which notes were signed in a book, and cut out, when to be issued; and said, this proposal to issue notes clandestinely was the first irregularity that ever came to his knowledge; and opposed the same, declaring he would appear no more at any Court of Committee, nor ever come amongst them; but did not immediately disqualify himself any other way, that is by transfer of stock, because he thought this declaration sufficient, though afterwards he did, by which his shares stood reduced to the No. 40, which is below an assistant. The next day after sending the letter, he saw Burroughs at Randall's coffee-house, who told him, he had been with sir Robert Sutton, and seen his letter, called it an ill-natured one, thought it reflected on himself and Squire, and said, it had set the Corporation on fire, or in flames. The examinant said, he was never once with any of them afterwards at any Committee; and said, that he believed Burroughs, Squire, and sir Archibald Grant, had been concerned in the frauds; and that Mr. Groves told him, Squire had given out, that the examinant ought to have been hanged three years ago, for breaking open a lock, and flung reflections upon him. He said, that he knew nothing of the steps taken for obtaining the second and third licences; that he knew of no money or shares given away last sessions of parliament for any interest; that he remembered an order of the House of Commons brought to the Board for the books, but not that any debates arose upon it; that he did not know of any steps taken to engage gentlemen to become proprietors; and was asked about the cupboard broke open for the transfer book; and said, that it was the 18th of May, 1728, and transfer day, and no holiday; that Wainwright was out of the way, and believed he was out of town, as he has been some times before, when wanted, and many people attending to transfer or accept stock; and asked the meaning of it, and was very angry, telling Thomson, he would acquaint the Committee of Wainwright, and of all of them, for negligent attendances: Whereupon, after staying very late, having a transfer to make of seventy shares, and being very angry, Thomson taking up a poker, or some iron in his office, without any order, or any noise or difficulty, that he knew of, opened the cupboard, took out the book, filled up and witnessed the examinant's transfer, and took the transfers of the others who were waiting; and the examinant said, Mr. Mann told him, Burroughs and Squire said, he behaved vilely in the general court, and raised up a spirit among the proprietors; and if he hanged them, they would hang him right or wrong; that great endeavours had been used to keep the petition out of parliament; And being asked by whom said by the directors and Mr. Blackerby; and being further asked, why he joined him with them, said, he believed him to be in their interest, and looked on him as a director's man; and said Mr. Higgs was ordered to keep away from the Committee, or dispensed with, and that Burroughs took the minutes as secretary, turning sometimes a deaf ear, and entering, as he supposes, only what he thought fit, and brought them to Higgs in his pocket: That he knew of no application made by a general court, for applying for the second licence, nor was such application talked of; That Burroughs between the 20th of August and the 10th of September shewed him the said letter of licence on a Sunday, going through Putney in a chaise, and desired the examinant, before he saw the licence, to put his name to a petition to the King for a patent or charter, on Tomkin's patent for making iron. This was what he called for, and believes his doing it, was the inducement for his shewing the licence; that though Squire had told the examinant near two months before he saw the said licence, there would be an enlargement, the examinant did not believe it; and did not believe Burroughs, when he said it was done, till he shewed it him, and said he had it but a little time.

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The horses stood as going to Hampton-court, or Richmond, and went that way, the court being at one of these places; That being asked, if circular letters were wrote about the middle of September, and if he saw the licence before those letters, said he had, and before Thomson's breaking open the cupboard for the transfers on the 18th of September, 1728. And was asked, if he saw the licence before his sending the letter to his father; said, he had.

That he bought 60 shares at 7*l.* and 45 for his sisters at 8*l.* two days after he had seen the licence, and said the licences were obtained by the interest of sir Robert Sutton, and when he went abroad, left it to the care of Burroughs, to carry through the offices: and being asked, if he knew whether all the money had been paid in on the first licence for 70,000*l.* said, he did not know if it had or not; or whether all was paid in on the second licence; said no; and that he had not paid in on some of his own privileges; and delivered a copy of an account of cash given in by Tench, from the first to the 12th of February, 1730, which shewed what was then paid in on each enlargement. Was asked, if he knew of any transactions of Robinson's or Thomson's for shares, said, he did not; but farther said, that the Tuesday after Burroughs had been with him, the examinant bought 60 shares at 7*l.* and 45 at 8*l.* and ten days after, or thereabouts, sold 70 shares at 10*l.* 10*s.* which he transferred the 18th of September to Pepys, and received 735*l.* of him on account of Robert Mann, the same day; that, upon complaining of Wainwright's absence, said, he would represent them all as negligent, Thomson opened the cupboard, others waited, and did transfer the same time, and his aunt Torriano transferred 25 shares at 10*l.* which had been sold a day or two before, at the price of that day; but that then they were snapt at, and he was blamed for selling at 10*l.* 10*s.* that he sold Jackson 50 shares at that price, and never sold a share but to a director or Robinson, and transferred either to them or their order; and upon his father's letter did apply to Robinson to get him shares; acquainted the said Robinson he wanted some, and believes he shewed him the said letter, who said, he would serve Mr. Mann, and oblige him with some at ten guineas, pretending it was a favour.

That the directors were very angry at his selling, and Burroughs said, he should be turned out of the direction.

That the shares rose from 6*l.* to 7*l.* and to 8*l.* was between the 20th of August and the 10th of September. Burroughs shewed him the said licence, and talked with Squire (near about two months before he saw the same) about such a thing, but did not believe there was a licence till he saw it, nor bought any shares before he saw it. And Burroughs and Squire told him of a further increase in the capital, when he was selling out, but the examinant doubted the success of such endeavours from the opposition of the city; and said, he never saw or spoke to Robinson on his return, after leaving England, but in the general court, when he declared, he had a sixth part of the capital, on which the examinant asked, if he ever paid for it, or what he ever did pay, but was not allowed him to answer; and said it was not a proper time and place. That he never spoke to Squire one word after Robinson and Thomson went away; should have been ashamed to have spoke to him; because he had, upon proposal to issue notes, conceived an ill opinion of him, as well as from an evidence against him in parliament, though a good opinion of him before: but left the coffee-house he used, and said, Squire told him application was made to sir Robert Walpole for the licence; and that sir Robert Sutton had a promise, if the Attorney General reported favourably, it should be granted; that it stuck with the Attorney a long while.

Believes Burroughs told him the same, at least understood it so from him. And said, shares were held by the directors in other names, but does not know them; and between Midsummer 1728, and Midsummer 1730, Robinson, sir Robert Sutton, Burroughs, and Squire, had a great many shares.

The examinant said, he had by him a great number of the notes, which he was afraid were worth but little, and the same, for which Burroughs and Squire offered him the money, if he would have yielded to their importunity to coin fresh ones. The examinant, upon recollecting the day when Burroughs shewed him the licence, said, he was very sure from concurrent circumstances, it was on Sunday the 1st of September, 1728, when the said Burroughs was going to Epsom with his lady, as this examinant has reason to believe, he having a house or lodging there.

That the examinant has received a letter from Mr. Mann, dated the 11th of September, wherein he mentions his receiving a circular letter from Higgs, by order of Burroughs to dine with the said Burroughs at Pontac's as Monday the 9th, which circular letter was wrote the 6th or 7th preceding; and delivered to the Committee one letter, dated the 11th of September, and another the 13th.

George Jackson, esq. one other of the assistants, being examined, said, that he was chosen an assistant in April, 1726, and was of the Committee of Accounts; that he was surprised when he heard that Thomson was gone; and never had the least suspicion that the stock of the Corporation was embezzled; but always believed the said Thomson to be an honest man, and thought they were happy in having such a careful man as he was generally looked upon to be; but since this affair has happened, is persuaded, now it is too late, that too great a confidence has been reposed in their officers, and by having so great an opinion of Thomson.

That some time last summer, the examinant remembers, that Mr. Molesworth proposed to him to have the warehouses examined, which the examinant readily agreed to; but the

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same was not performed; and having observed, that about 400,000*l.* was lent out upon pledges, and imagining, that the house on Lawrence Pountney Hill was not sufficient to hold so great quantities of goods, and having never seen an account for warehouse rent, the examinant went to Thomson, and asked him about the same, who thereupon took down a great parcel of keys, and informed the examinant, those were belonging to the out warehouses, in in which the goods were lodged; that when at the Committee of Accounts, at first the pledge book was laid before them, but afterwards wholly neglected; but what books were laid before them were examined; and particularly remembers, the notes, that were paid off, which when filed, were brought to the Committee of accounts, with the note book and cash books; and the same chequed by three of them. And saith, That he does not remember the method used in issuing money on pledges; but believes the certificates were sent to Tench by Thomson, and notes made out upon them; but doth not remember, that Tench's cash book with Robinson's was ever chequed.

The examinant said, That one Clarke was chosen surveyor of the warehouse, and remembers a report was made by the said Clarke of goods not being sufficient to answer the money lent; and at the end of 13 weeks the examinant heard Clarke was discharged upon the instigation of Thomson, but doth not recollect the particulars for which he was turned out; and that he was not present at the time when he was discharged.

That the first time the examinant was at a Committee, was on the 21st of April, 1726, and on the 13th of May following Mr. Thomson moved the court, that the key of the warehouse kept by the accomptant might be left with Mr. Lovell for the same purposes; and between the said times the examinant had but little knowledge of the Corporation's affairs, being only 22 days.

That after he came in to be a proprietor, there was a select comimttee for examining the books of accounts; but in a short time afterwards an order of committee was made, that all, that come to the Committee of Accounts, should have voices: That the accomptant, before the last dividend was declared, was ordered to make out an account from the pledge books, in order to declare the same: That being asked if the same was examined by the Committee of Accounts, the examinant replied, that he did not know; but has since heard, that there was an error in the same: And before the accomptant brought it to the general court, the court was up, and the dividend was declared without their seeing the same; Burroughs saying, in his opinion they were able to divide 3*s.* per share; and the examinant was not at that general court.

And the examinant farther said, that about the beginning of May last, it was thought convenient at a Committee, by some gentlemen then present, to coin 60,000*l.* new notes, notwithstanding a large balance of 45,000*l.* was remaining in Robinson's hands, who had 1*l.* per. cent for circulating their notes, which the examinant frequently spoke of to the Committee, but was as often answered by Burroughs and Squire: That sir Robert Sutton, Mr. Molesworth, Mr. Bond, and Mr. Aislabie were for reducing the said balance: That two books of 30,000*l.* notes each were coined to supply the want of money; and does not remember he had any discourse about coining the said notes: And the examinant said, some time afterwards he was present with Mr. Molesworth, sir Robert Sutton, sir Archibald Grant, Burroughs, Squire, and others, when the said notes were cancelled, and helped to burn them: And doth not remember of any debate at the Committee upon coining the said notes, or upon destroying the same; and does not know of any promise made to the Bank about issuing no more notes: That he heard a letter was sent from Mr. Torriano with a key in it to sir Robert Sutton, and that the said key was delivered to Squire.

Mr. *George Jackson* being further examined, said, That 60,000*l.* notes were coined as he believes, between the 10th and 15th of May, and Mr. Wainwright was asked to sign the same, but answered, it would be time enough, when the same were issued; and at the same time the said notes were ordered to be coined, it was, as he believes, with the general consent of all the gentlemen present, and believes, the minutes, which were on loose papers of that proceeding, were locked up in the chest with the notes, and were wrote by Mr. Burroughs, who frequently acted as secretary, and believes the same were not thought to be convenient to be entered in the minute book; that the reason, which was assigned for coining the said notes, was, that old notes, to the amount of 100,000*l.* and more, were then near due; and it was thought if Robinson should be pressed for the large balance of cash in his hands, it would do him a great injury, and be prejudicial to the company: And the said Robinson proposed to pay the dividend provided the Corporation would assist him with 4,000*l.* bonds; and believes it was the general sense of the gentlemen, that the said balance should be taken, as Robinson could pay the same.

That the examinant apprehends this large debt was created, when the Corporation was under the consideration of parliament, when large sums of money were paid into Tench's hands, and by him paid to Robinson, without being observed by the Committee, who were then busy; and apprehends, it was upon some valuable consideration given to Tench by Robinson for paying the same, which when the same was known, there was an uneasiness among the gentlemen, that they should pay 1*l.* per cent. for circulating their notes, when at the same time Robinson had such large sums of money of the Corporation in his hands; but it is probable Mr. Burroughs, Squire, and sir Archibald Grant, were not so uneasy, as

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believing, by what has since happened, that they were concerned with him.

That being asked, what reason was given for cancelling the said 60,000*l.* notes, the examinant said, that about a short time after the same were coined, it was said, the notes were in disreputation, and it was proposed by Mr. Warren to issue bonds in the room of them, notes not being so well approved of, as bonds would; and believes, the order made for issuing bonds was prior to the cancelling the notes.

That he heard, sir Robert Sutton brought or sent a key to the Committee the 13th of May last (which the examinant heard was sent to him from Mr. Torriano) and an order was made for delivering the same to Mr. Squire.

That he did not know it was designed to cancel the said 60,000*l.* notes, till he went into the Committee, and found sir Robert Sutton, sir Archibald Grant, Mr. Molesworth, Mr. Bond, and others, were cancelling the same, and helped them; and believes, the same was done by the general consent of the Committee.

That he never had any private meeting with Robinson, after he came from France, but saw him, when at the Committee on Lawrence Pounteney Hill, and had no discourse with him.

That he apprehends the assistants had not the same power as the Committee, they being only appointed by a general court to assist them, when the seven committee men are appointed by the charter.

Mr. *John Moody*, one other of the Assistants, being examined, said, that at Christmas, 1726, he was chosen an assistant, and looked upon the same as only nominal, and not warranted by the charter.

That he never mistrusted any embezzlements had been made of the Corporation's effects, till last session of parliament; and about July last Mr. Aislabie and the examinant mentioned it at a Committee to sir Archibald Grant, and heard Mr. Mann propose to have the warehouses inspected; and the examinant likewise mentioned it to Robinson, who said, that as Thomson was going to quit, they would be searched in course. That he never was at any private meetings with the directors, nor knows what steps were taken for obtaining the two last licences. That he was of the Committee of Accounts, which at the first was a select Committee, and the books and accounts were ordered to be laid before them; as also an account out of the Pledge Book, which Thomson declined; upon which Mr. Wainwright the accomptant, was ordered to make out an account weekly from it, and lay before them; and frequent reports were made from the said Committee; but when an order was made in 1727, for all that came to have voices, no reports were made, and the several books were locked in a buroe, and the key kept by Mr. Burroughs; and the cheques were taken off, before the examinant was chosen an assistant; and does not know, that Thomson and Robinson paid in money upon shares for any person, or what became of the 2,000 shares appropriated for the payment of the Corporation's debts.

That he was once in company with Robinson, when he came from abroad, and asked him in what manner the Corporation's effects were embezzled; Robinson said, he did not know, and went with Thomson to be informed of the same.

Mr. *Benjamin Robinson*, another of the assistants, being examined, said, that when he became a proprietor, he was chosen an assistant, and attended very often at the Committees, and summed up the books, chequed the notes, and did not apprehend but every thing was managed right.

That the most active men were Mr. Burroughs, Mr. Squire, Mr. Bond, Mr. Mann, sir Archibald Grant and Mr. Torriano, who governed the said Corporation; and business of moment was generally prepared at private meetings by them, before they came to the Committee; and what they said was a law at the Committee.

That he has often told them their minutes were not regularly kept as in other corporations, and proposed the same to be signed, which he took notice were not, the same being taken on loose papers, and very often by Burroughs, who would not send the same to Higg, the secretary, to enter in the books.

That no notice was taken of what he proposed; that he likewise often moved that the warehouses should be inspected, and that the Committee should have keys, that they might visit the same, when they had a mind; but the same was not done.

That formerly the accounts of warehouse rent, and in what parts of the town they were in, with the qualities of the goods in the same, used at first to be laid before them; but when he has proposed the same method to be revived, Burroughs and Squire have opposed the same, saying it would be an innovation to alter the method they now used, which they thought right.

That being asked, if Mr. Torriano hath not often moved the same questions, he said, he doth not remember he ever did. And being asked, if he knew in what manner the licences were obtained, the examinant said, he did not; but remembers that sir Robert Sutton brought the last licence to the Committee: and it was moved by Squire and others, that the thanks of the Committee should be returned to sir Robert Sutton for obtaining the same.

That being asked, if he knew of any money or shares in any shape given to any person for services done in parliament, or of any demands made for services, the examinant said, he did not.

That he remembers a debate at the Committee about issuing bonds, when it was said, they were not justified by the charter in so doing; but sir Archibald Grant, Mr. Bond, Mr. Burroughs and Mr. Squire, said, they might do it in exchange of their notes; and has heard

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Mr. Turner of Grays Inn say, that he would not lend his money on their notes, without their seal was affixed to them; and remembers he was present, when the seal was affixed to bonds for several thousand pounds; and remembers they were often making of notes.

That he has often been at the Corporation house, before the rest of the Committee came, and used to walk about the warehouse, and has seen large quantities of goods there, but was informed by Thomson, that there were goods in the India warehouses, and also in the King's warehouses; and never had any mistrust but the same was true.

That in August last the examinant went abroad into Spain, on account of the English copper mines company, he being governor thereof; and while he was at Madrid and other places, he heard it talked of, that there were great confusions about the companies in England, but never heard the truth of it until he arrived at Falmouth.

Mr. *Benjamin Robinson*, being further examined, said, He had seen the Minute Books of July last, when the bonds were made, and found the Minutes wrong entered in this particular, where it mentions only two of the Committee to be present; he said he attended twice in all, when bonds were sealed, and knows there was a full Committee present each time, besides the assistants that attended; and this can be evidently made appear by the cashier and clerks, that attended the Committee.

That the assistants were not at the beginning of the Corporation, but chose by a subsequent general court; and they looked upon themselves to have no power, but by the direction of the Committee, who approved or not, as they pleased; neither was it in the power of the assistants to reject or prevent what was proposed by the Committee; and to do Mr. Molesworth justice, he has often moved to have an examination of the warehouses, and of Mr. Thomson's accounts of sales, but it was never agreed to, as this informant knoweth of; and saith, he hath heard Mr. Thomson complain to the committee of accounts of Mr. Molesworth's treating him in such a manner, that he could not serve the Corporation with such usage, or words to that effect, and that he had desired Mr. Beake to acquaint Mr. Molesworth therewith.

That about Lady Day 1728, when the trade and business of the Corporation seemed to increase pretty much (as this informant then apprehended) he proposed to have a committee of warehouses in the manner of the English copper company, but it was not agreed to; after this he said, he did not attend the committee of accounts for the space of above 18 months, except twice or thrice, as may be seen by the committee books, and what passed in that time, he cannot tell.

That he never took upon himself to direct any thing, but submitted to the other gentlemen who had large shares and property in the Corporation, he being but a small proprietor, and never bought or sold any, since he first entered into the company, and was continued and kept in at former elections, for to give place and oblige a larger proprietor, when such a one could be brought in, that might advance the interest of the Corporation; and for that purpose a warrant of attorney hath been long left at the office to disqualify him, whenever another was found to put in his room; and when he was last elected an assistant, it was without his knowledge, being then, and for four or five months before, in Spain, and contrary to his desire, before he went abroad; and has not acted in or accepted of the office, since he returned, which was the 29th of March instant.

Charles Walker, esq. one other of the assistants, being examined, said, that he was chosen in an assistant in December, 1725, and could seldom attend, and never heard of any embezzlements having been made of the Corporation's effects, until Thomson went away; when on the Friday following Mr. Moody came to him to the Fleece Tavern, and informed him, that Thomson was gone off; whereupon Mr. Moody and he went to the Pope's Head, and sent word to the Corporation house, that he should be glad to see some of the gentlemen, if they should come near the Exchange; and then he first heard, that it was suspected Robinson was likewise withdrawn.

That being asked, if he knew what was become of 2,000 shares appropriated to pay the Corporation's debts, the examinant said, he did not; and further said, he did not know how the second or third licences were obtained, but heard the third was expected, and had a letter sent him to dine at Pontac's, when the third was granted, but that it was then publicly known.

And being asked, if he was at sir Archibald Grant's at any time when Jones the auctioneer was there, said, he was with sir Archibald, who was dressing himself when Jones came into the next room; and sir Archibald Grant went to him, but does not know what passed, or recollect, that he went into the room, whilst Jones was there; that sir Archibald sent a letter to the examinant the night before to come to him next morning, and had been with him often before, on account of the opposition then made to the Corporation in parliament.

That he knows not of any money or shares given to any person during the Corporation's being before parliament, or ever heard that any person had made demands for services done the Corporation in parliament, except lately.

And further said, that he saw Robinson, when he came from France, and asked him, how the mismanagement happened, and the meaning of his going away; and that the world had a very indifferent opinion of him for going away with Thomson; that Robinson replied, he could give no account of the mismanagements; and that he went with Thomson on purpose to get what papers he could from him, and to make what discoveries he could into the embezzlements of the Corporation's effects.

That the first time the examinant knew of

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Robinson's deficiency to the Corporation; was, the day that Mr. Daniel Pulteney died, or the day after, when he met Mr. Molesworth in the Strand, who acquainted him with the large balance of cash remaining in Robinson's hands, and asked him, if he did not know the said Robinson was indebted to the Corporation, and asked the examinant in relation to what he knew of Robinson's circumstances, and of his being concerned with sir Thomas Mackworth in Copper Works; and that this examinant afterwards heard measures had been taken by the Corporation to secure Robinson's deficiency, by Robinson's granting a mortgage of 14,000*l.* as he believed, on his estate to sir Robert Sutton; and Robinson confessed a judgement to sir Archibald Grant and Mr. Molesworth for 30,000*l.* and Mr. Molesworth then asked this examinant, why he did not come among them.

That when he first became a proprietor, twelve assistants were chosen to assist the Committee, as he apprehended, in fixing the Corporation on a good foundation, under certain regulations, which, as they died, or were otherwise removed, were not filled up with others; and after such regulations were fixed, he thought the assistants of little moment, and doth not remember he looked one minute seriously over any of the books of accounts of the said Corporation.

Sir *Archibald Grant*, bart. being further examined, said, that about the time the affair of the Charitable Corporation came last sessions before the parliament, sir Robert Sutton told the examinant, sir Thomas Robinson had applied to him to know, how he might purchase 4 or 500 Charitable Corporation shares at a market price, but that he did not expect any favour, and who were the proper persons to apply to for them, he having a mind to be a proprietor: That sir Robert Sutton and the examinant recommended him to Thomson and Robinson; and soon after the examinant informed sir Thomas Robinson that Thomson could help him to the shares, and part of the receipts were delivered to him. That upon delivering part of the receipts to sir Thomas Robinson, he, the said sir Thomas, paid the examinant 950*l.* in Bank notes, and money; and likewise gave him a cash note on Mr. Matthew Lamb for 450*l.* all which he conveyed to Thomson; but 300 of the said shares had privileges attending them, which were transferred to sir Thomas Robinson unknown to him; to which he then objected, saying, he was not certain, whether the parliament would permit them to compelte their capital, and would suffer the privilege shares to be paid in on; and that in case the parliament did not, 300*l.* part of the said 450*l.* should be abated, and that in the mean time, until it was certain that the privileges might be paid in upon, 150*l.* only of the said note should be paid, and the remainder be left in the hands of Mr. Lambe, to which this examinant, on the behalf of Thomson, agreed.

And the examinant being asked, whose property those shares were, said, he did not know, but that Mr. Burroughs had the said note, as received 150*l.* thereof.

That when sir Thomas Robinson came from abroad in October last, he sent to the examinant to desire his note, it being certain the said privileges could not then be paid in upon; whereupon the examinant applied to Mr. Burroughs for the same, who returned it without any difficulty; and the examinant sent it to sir Thomas Robinson; that the note was demanded since Thomson and Robinson went away.

The examinant being asked what was the price agreed to be paid for the said 500 shares, said, 6*l.* per share.

Being asked, if he ever had any correspondence with Thomson since his withdrawing himself, said, he had received one letter from him, which he has by him.

Matthew Lamb, esq. being further examined, said, that between the 11th and 30th of March, 1730, and 1731, the examinant advanced to sir Thomas Robinson 2,960*l.* which he the said sir Thomas Robinson, declared was to pay for Charitable Corporation shares; and particularly remembers, that on the 30th of the said month the said sir Thomas Robinson had 1,900*l.* part of the said money, which he told this examinant was to pay for Charitable Corporation shares; and that the said sir Thomas being going out of England, applied to the examinant to hold Charitable Corporation shares for him, to which he consented; and that thereupon the said sir Thomas transferred 400 shares, and Mr. Burroughs 100, to the examinant, for the use of sir Thomas Robinson.

And the examinant further saith, that in the beginning of April, 1731, sir Thomas Robinson settled his account with him, and in it allowed the note which he, the said sir Thomas, had drawn on him for 450*l.* that sir Thomas told the examinant he was only to pay 150*l.* out of it immediately, and the other was to be kept by him, till it should be known whether the parliament would give leave that the privilege shares should be paid in upon: That, on the 30th of April last, the examinant paid 150*l.* part of the said note, to Mr. Burroughs, and indorsed it on the back of the said note, and took a separate receipt for the same; and as those privilege shares were never allowed to be paid in upon, he was never applied to for the remainder.

That on the 6th of November last, sir Thomas Robinson brought the said note to the examinant, and he gave sir Thomas credit for 300*l.* in his account, instead thereof.

Your Committee cannot conclude this Report without representing to the House the great difficulties they have laboured under by the secreting of Books of Accounts, and Papers, relating to the Corporation; and by the withdrawing of George Robinson and John Thomson, to whom the Directors intrusted the chief part in the management of the affairs of

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the Corporation, and through whose hands very large sums of money have passed, without any cheques being kept upon them; and several others whom your Committee have examined, not having given so fair an account, as they have reason to believe they were capable of giving, has rendered it impossible to lay a clear state of this affair before the House.

Your Committee are now proceeding to examine the Allegations of the Petition of the Creditors, by notes and bonds, and hope to lay the same before the House in a few days.

Ordered, That the said Report be taken into consideration upon this day sevennight.

Sir R. Sutton and Sir Archibald Grant expelled the House on account of the Charitable Corporation.] May 4. Upon the farther hearing of the above Report, sir Robert Sutton and sir Archibald Grant were expelled the House.

The Commons resolve, "That the Persons who have been guilty of fraudulent Practices in the Management of the Charitable Corporations ought to make a just Satisfaction for the same.] May 8. The House resumed again the consideration of the said Report, and a motion was made to resolve, "That sir Robert Sutton and sir Archibald Grant, Dennis Bond, esq. (who had been expelled, on account of the fraudulent Sale of lord Derwentwater's estate,) William Burroughs, esq. George Jackson, Benjamin Robinson, William Squire, George Robinson, John Thomson, Richard Wooley, and Thomas Warren, having been guilty of many notorious Breaches of Trust, and many indirect and fraudulent Practices in the direction and management of the Affairs of the Charitable Corporation, and having thereby occasioned great losses to many of his Majesty's subjects, ought to make a just satisfaction for the same."

But some members were for leaving out the words, 'ought to make a just satisfaction for 'the same;' hereupon

Mr. *Shippen* stood up, and spoke as follows:

Mr. Speaker;

The House is extremely obliged to the honourable gentlemen of the Committee, for the great pains they have taken, and for the great skill they have shewn, in detecting a dark and execrable scene of villainy: And surely we ought not to entertain any proposition which comes from them, in consequence of their inquiry and of our own proceedings, with jealousy and distrust.

I can therefore by no means agree with those gentlemen, who suspect that there is some latent and disguised meaning in the question before us, and who are for leaving out the latter part of it; because I think no question was ever framed with more candour, or conceived in more clear and intelligible terms than this is; and the latter part is so far from being exceptionable or superfluous, that it is the necessary, the natural conclusion from the premises contained in the first part: For since the persons named have been lately voted guilty of the crimes, with which they stand charged in the report of our Committee, what is the next step we are to take, but to vote some punishment? and what punishment so mild with regard to the offenders, or so just with regard to the sufferers, as restitution?

Let us take the whole question together, and we shall judge best of the propriety and coherence of its several clauses. It runs thus, viz. 'That sir Robert Sutton, &c. having been 'guilty of many notorious breaches of Trust, 'and many indirect and fraudulent practices, 'in the direction and management of the Affairs of the Charitable Corporation for relief 'of industrious poor, by assisting them with 'small sums upon pledges at legal interest; and 'having thereby occasioned great losses to many 'of his Majesty's subjects, ought to make a 'just satisfaction for the same.'

Now, as I have already said, no question was ever conceived in more clear and intelligible terms than this is; and I am at a loss to comprehend, why gentlemen should dislike any expressions in it, especially, why the ingenious lord, and the worthy person his second, should object to the words, 'Just Satisfaction.' For certainly they cannot imagine that these words will be declared unintelligible in this House, where the nature and meaning of justice is supposed to be perfectly well understood, as it is or ought to be the rule and measure of all our determinations; and they must forgive me, if I think no Dutch commentator ever mistook the sense of an author more grossly, than they have mistaken the sense of this question.

But what is most remarkable in this debate is the impatience some gentlemen express to know, whether the advocates for the question intend to proceed against the offenders by Impeachment or by Bill; and they seem to demand that we should immediately come to a resolution.

Whence can this impatience arise? If it arises from compassion, why were these very gentlemen, who now interpose, silent? Why did they suffer the objects of their compassion to be unanimously censured, when they had made but an insufficient defence for themselves, and wanted the aid of their eloquence? If it arises from curiosity, I think it ought rather to be kept in suspence than gratified, because it is unseasonable and irregular. If it arises from the fears and apprehensions of particular persons; why should others, who are under no such anxiety, be obliged to remove those fears and apprehensions, especially when it is impossible for them to know how well they may be grounded.

Since then no good reason appears to justify this extraordinary demand; since this question is only declarative of our present disposition to do justice, and to give satisfaction to the injured and distressed proprietors, methinks there should be no difficulty in passing it: For we

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shall be as much at liberty, after we have passed it, as we are before, to choose that method of proceeding, which shall be thought most proper, when we are sufficiently prepared for a final decision.

What has been said, concerning the difference betwixt Impeachments and Bills of Attainder, is foreign to our present point, and might have been spared in an audience, where that argument hath been so fully and frequently discussed, at the end of almost every administration.

We all know, that Impeachments are the ancient parliamentary method of bringing public criminals to public justice, and it is the method we ought to pursue on common and ordinary occasions. Not but that it is liable to many difficulties, to the tediousness and perplexity of forms, to the caprice of the House of Lords, by which means justice hath very often been delayed, and sometimes entirely defeated.

We all know too, that Bills of Attainder are the utmost stretch, and the terrible part of parliamentary power, which ought never to be exerted, but in the most heinous and most flagrant instances. I have always considered them as such: my aversion is sufficiently known by my constant opposition to them; and I envy no man the glory of having carried Bills of Pains and Penalties through this House, by being prosecutor, judge, juryman, and even evidence in the same cause.

But should it happen in our day, that an overgrown unwieldy minister of state should tumble from the height of his power, and fall under the censure of this House, for protecting fraud, and patronizing corruption: a minister, Sir, who may have made such Bills as are now dreaded, the instruments of his personal vengeance, and the support of his cruel administration; perhaps the voice of an injured and oppressed nation, crying aloud for justice, and demanding speedy and exemplary punishment, may then prevail over gentlemen's natural inclinations, and force them to comply with what they would otherwise decline and disapprove; nor could the criminal himself, with any appearance of modesty, or colour of reason, complain; for 'lex talionis' would at least be 'argumentum ad hominem,' and the world would universally allow, that it would be a righteous judgment, for 'necis artifices arte perire suâ' But we shall have a better opportunity of explaining ourselves, and delivering our sentiments at large, if the case which I here only suppose, should ever come actually before us, and undergo a parliamentary examination.

I should apologise for this digression, had not the course of the debate led me into it, and made it necessary to say something on these heads: but I shall conclude with returning to the question, and humbly offering my opinion, that we ought to assure the proprietors we will assist them in a future session, though we cannot in this, to repair the excessive losses they have sustained by the frauds and iniquities of their directors, as far as lies within the reach of this part of the legislature.

I hope too we shall not only concur with the honourable gentlemen of the Committee in their proposition, but give them the thanks of the House for the honour and integrity, with which they have acquitted themselves in the public service.

After this the motion as above passed into a Resolution: Then it was ordered, That leave be given to bring in a Bill, to restrain all the said persons, (except William Squire, George Robinson, and John Thomson, who were absconded) from going out of the kingdom for one year, and till the end of the then next session of parliament; and for discovering their estate and effects; and for preventing the transporting or alienating the same. As to William Squire, the members, appointed to prepare and bring in the said Bill, were ordered to insert a clause, for obliging him to surrender himself at a time and place to be mentioned in the Bill; to give security for his not going out of the kingdom for one year for discovering his estate; and for preventing the transporting or alienating the same. It was also ordered, That leave be given to bring in a Bill, for the relief of the Sufferers in the Charitable Corporation.

Two Bills were accordingly brought in, and passed both Houses, but the Lords struck the name of George Jackson and Benjamin Robinson out of the Bill.

Mr. Sandys reports from the Committee on the Charitable Corporation, that Signor Belloni had written to them from Rome, that Thomson was detained Prisoner there.] May 16. Mr. Sandys acquainted the House, that sir Robert Sutton had come to him that morning, and told him, that he had received a letter from a correspondent of his at Paris, in which was inclosed a Letter from Signor Belloni, a banker at Rome, directed to the Committee to whom the Petition of the proprietors of the Charitable Corporation was referred, or in case the said Committee did not subsist, to sir Robert Sutton and others, acquainting them, that the said Belloni had procured John Thomson, late warehouse-keeper to the said Corporation, to be secured a prisoner in the castle of St. Angelo at Rome. Hereupon the said committee was ordered to be revived.

May 22. Mr. Sandys made a farther Report from the above Committee, and thereupon it was ordered, That the several Letters and Papers mentioned in the said Report should be laid before the House. Then it was referred to a committee to translate Signor Belloni's Letter.

Signor Belloni's Letter.] May 23. The lord Hervey presented the translation of that Letter, as follows:

"Gentlemen; *Rome, May 4, 1732.*

"It is with great pleasure that I lay hold of this occasion, which now offers, to shew my esteem and my affection for the English nation,

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by contributing to the advantage of many private persons in that kingdom, and consequently to the satisfaction of the parliament, and the nation itself.

"As the frauds, that have been committed in the management of the Charitable Corporation, have made a great noise every where, people here have been sensibly touched with the misfortunes these frauds have occasioned, and have felt the interest the nation had to redress them, which could not be effected, but by seizing the person and the papers, the books and the effects of Mr. Thomson, which the parliament had not yet been able to compass.

"To this end having received advice, that the said Thomson might come to Rome under some borrowed name, the necessary measures were taken to put him under an arrest upon his arrival there, which have been put in execution: at the same time his papers, letters he has received from England since his departure from thence, copies of letters he has written to his confidents, and notes of his most secret affairs have been seized: He himself is at present in the castle of St. Angelo, and has by this means been put under a sort of necessity to discover the whole mystery of this affair; which he has amply done, by discovering not only the books and effects of the Corporation, but also his own.

"This being done, I have been ordered to communicate this important discovery to whom and where it may be proper, for the good and advantage of the nation; wherefore I dispatched without delay a courier to one of my correspondents at Paris, with all the papers relating to this affair, that he may find the means to have them put into your hands.

"But as equity requires, that the proprietors of the Charitable Corporation, who will reap so great an advantage from this discovery, should yield to certain conditions before the papers and writings be delivered to you; I have ordered my correspondent to insist on these conditions being previously agreed to, and in the mean time to look on these papers, as a simple deposit in his hands not to be parted with till this be done; and I doubt not, but this precaution, as well as the conditions, will appear just and reasonable to all those who are interested in this affair.

"Having thus discharged my commission, there remains nothing, but to beg you will be persuaded of my respect for the nation, and of the desire I shall always have to contribute to its advantage. I have the honour to be, &c.

JOHN-ANGELO BELLONI."

Both Houses resolve, that Sig. Belloni's Letter is an insolent Libel.] Then several other Papers being read, the Commons came to two Resolutions, with which the Lords concurred as follows:

1. "Resolved *nem. con.* by the Lords spiritual and temporal, and Commons in parliament assembled, that the paper dated at Rome, the 4th of May, 1732, N. S. signed John Angelo Belloni, is an insolent and audacious libel, attempting by false and insidious insinuations, to impose upon the parliament and British nation; and by specious pretences, and professions of esteem, affection, and compassion, to amuse the unhappy sufferers of the Charitable Corporation, with vain and deceitful hopes of relief: That the said paper is, in itself, absurd and contradictory, conceived, at the beginning, in terms, and in the style of power and authority, or as proceeding from some extraordinary interest and influence, but concluding in the person and character of a private banker of Rome; offering, upon certain conditions, on the behalf of John Thomson to deliver certain books and papers of the said Thomson, the contents, value, and consequence whereof are unknown, without any offer to surrender the person of the said Thomson, although represented to have been arrested and detained in safe custody, from a sense of the frauds committed by him, and a due regard to justice; the conditions, demanded and insisted upon by, and in behalf of, the said Thomson, appearing at the same time to be loose, evasive, and uncertain, tending to procure advantages and indemnity to himself and his accomplices, without any intention or prospect of benefit to the Corporation: And that this whole transaction appears to be a scandalous artifice, calculated purely to delude the unhappy, and to disguise and conceal the wicked practices of the professed enemies to his Majesty's person, crown and dignity.

2. "Resolved, That in abhorrence and detestation of this vile attempt, the said infamous Libel be burnt by the hands of the common Hangman, before the Royal Exchange in London, upon Friday next, at one of the clock: and that the Sheriffs of London do then attend, and cause the same to be burnt there accordingly."

The King's Speech at the Close of the Session.] June 1. The King came to the House of Peers, and gave the royal assent to the Bills relating to the earl of Derwentwater's estate, and to the Charitable Corporation, as also to several other public and private Bills, after which his Majesty made the following Speech to both Houses:

"My Lords and Gentlemen,

"You having now dispatched all the public business, that it was practicable for you to go through with at present, and the season of the year being so far advanced, I believe it will not be disagreeable to you, that I give you an opportunity of retiring into the country, by putting an end to this session of parliament.

"It is unnecessary for me to represent to you the happy state and situation of public affairs, both at home and abroad. You must all be sensible of what is universally seen and felt in the full enjoyment of a general peace. The concurrence of the States General, in the late treaty of Vienna, has perfected the establishment of the public tranquillity, as far as human

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prudence can foresee or provide; and a faithful observance and execution of the treaties and alliances, now subsisting among the several princes and powers of Europe, free from groundless jealousies, and void of all ambitious views, will be the most effectual means to continue and preserve these blessings to us.

"Gentlemen of the House of Commons,

"I return you my thanks for the provisions you have made for the defence and security of the kingdom, and for carrying on the service of the current year. It is a great satisfaction to me to see you have turned your thoughts towards raising the necessary supplies, by such methods, as may be the least burthensome to my people: and as this cannot but be received in the country as a most grateful and acceptable service, I hope it will encourage you to pursue such measures for the future, as may on all occasions render the supplies, that shall be necessary, as equal and easy as is possible.

"My Lords and Gentlemen,

"It being necessary for me to visit my German dominions this year, I have determined to leave the Queen Regent here during my absence; and I doubt not but it will be your endeavours to make the government as easy to her, as I am confident, it will be her care, by a just and prudent administration, to deserve your duty and regard. I recommend to you all in your several stations, to study and consult the preservation of the peace and quiet of the kingdom."

Then the Lord Chancellor, by his Majesty's command, prorogued the parliament to the 27th of July.* It was afterwards farther prorogued to the 16th of January 1733.

* "The private domestic occurrences of this year are so uninteresting, that they are not worth mentioning; but a ferment very dangerous to the minister was now working in the nation. The debates about the revival of the salt duty, and some surmises, that had taken rise from the complaints which the officers of the revenue in general made of the collection of the duties upon wine and tobacco, two capital branches of the revenue, impressed the public with a notion, that either a general excise, or an excise upon those two articles, was intended by the minister. Both he and his friends had been taxed in the house and elsewhere, with this intention, but they had rather evaded than denied the charge; nay, sometimes they seemed to justify it. It is incredible what a combustion this surmise raised in the nation, even before the minister had openly avowed his intention, which was, by the arts of his enemies, rendered so unpopular, that he never had a fair, that is, an unprejudiced opportunity, of explaining it. It falls within the province of history to put the reader in mind, that the first duties of excise in England, were imposed upon beer, ale, cyder, perry, and other liquors, made at home, and set to sale, and they were given to Charles the 2nd as an equivalent for his giving up the Court of Wards, the Purveyances, and other Rights of the Crown which rendered it too powerful for the liberty of the subject, and had long been eye-sores to the parliament and people of England. As the crown had always before absolutely rejected all proposals of a commutation of this kind, and as the king could have no other security for the performance of the bargain, but the faith and honour of parliament, the latter, from time to time, piqued itself upon making the laws for collecting the excise so severe, that in many respects, they seemed to encroach upon private property and personal liberty. They, who had been punished by them, thought themselves injured, and their numbers were so great, as to render the clamour against them almost universal.

"Such were the dispositions of the public with

SIXTH SESSION
OF THE
SEVENTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on Opening the Session.] January 16, 1733. The King came to the House of Peers, and the Commons attending, his Majesty opened the session with the following Speech:

"My Lords and Gentlemen,

"It is a great satisfaction to me, that the present situation of Affairs, both at home and abroad, makes it unnecessary for me to lay before you any other reason for my calling you together at this time; but the ordinary dispatch of the public business, and that I may have an opportunity of receiving your advice upon such affairs as may occur to you, and shall require the care and consideration of parliament.

"Gentlemen of the House of Commons,

"I will order the proper officers to lay before you the Estimates for the service of the current year; and I make no doubt but that you will, with the same cheerfulness as I have always experienced in you, effectually raise such supplies as you shall judge necessary for the honour, safety, and defence of the kingdom; and I cannot but recommend it to you, as a consideration worthy the Commons of Great Britain, that in all your deliberations, as well upon raising the annual supplies, as the distribution of the public revenues, you pursue such measures as will most conduce to the present and future ease of those you represent.

"My Lords and Gentlemen,

"You must be sensible, that it is very desirable to give all possible dispatch to the public business, and that nothing can give more weight and credit to all your resolutions, than to avoid unreasonable heats and animosities, and not to suffer yourselves to be diverted, by any specious pretences, from stedfastly pursuing the true interest of your country: Let that

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be your first and principal care; and the people will be sensible of the benefits they shall receive from your wisdom and resolution in prefering their ease and the public good to all other considerations."

The Lords' Address of Thanks.] The King being withdrawn, the marquis of Lothian moved an Address of Thanks, and being seconded by lord Lovelace, the same was unanimously agreed to as follows:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, do in all humility return the Thanks of this House for your Majesty's most gracious Speech from the throne.

"It is owing to the happy success of your Majesty's counsels and negotiations, that your Majesty now assembles your parliament for no other reasons, but the ordinary dispatch of public business; and your Majesty being graciously pleased to express such a great satisfaction in giving us an opportunity of humbly offering our advice to the throne upon such affairs, as shall require the care and consideration of parliament, we think it incumbent on us, in return, to consider that part of our duty to be the highest honour and privilege of this House, which, as we have always enjoyed, so we beg leave to assure your Majesty, we will never abuse.

"We will use our utmost endeavours to proceed in such manner in the speedy execution of the great trust reposed in us, that the people may be fully sensible, that no unreasonable heats or animosities shall delay or interrupt our deliberations, and that the true interest of our country the present and future ease of our fellow-subjects, and the public good of Great Britain, shall outweigh all other considerations, though covered by any specious pretences whatsoever. Upon these foundations, we may be confident that our resolution will be agreeable to your Majesty, by being beneficial to the whole nation."

The King's Answer.] This Address was next day presented to the King, who returned the following Answer:

"My Lords,

"I thank you for this dutiful and loyal Address. As the ease of my people and the public good have always been my chief care and concern, the zeal that you shew for the promoting of them cannot but be very acceptable to me."

Debate in the Commons on the Address.] The Commons being returned to their House, Mr. Speaker reported his Majesty's Speech to both Houses, and the same being read,

Mr. *Henry Bromley*, knight of the shire for Cambridge, stood up and took notice, That the the present profound tranquillity was entirely owing to his Majesty's great wisdom and conduct, by which he had surmounted all those difficulties, which were thrown in his way by the enemies of the nation, and had thereby at last established our affairs both at home and abroad upon a most firm, and he hoped, a lasting basis: That we owed a great many acknowledgements of thanks to his Majesty, for his prudent and careful management of our affairs both at home and abroad, and therefore he would beg leave to move, that an humble Address be presented to his Majesty, to return the Thanks of the House for his most gracious Speech from the throne; to express the satisfaction of the House at the present situation of affairs both at home and abroad; and to assure his Majesty, that the House would, with all possible duty to his Majesty, and just regard and concern for those they represented, cheerfully and effectually raise such supplies as should be necessary for the honour, safety, and defence of his Majesty and his kingdoms; and that, in all their deliberations upon raising the annual supplies, and distribution of the public revenues, they would pursue such measures as would most conduce to the present and future ease of their fellow-subjects; and that, in order to give the necessary dispatch to the public business, and that their proceedings might carry with them that weight and credit in the nation, which ought always to attend the resolutions of the Commons of Great Britain, they would endeavour to avoid all unreasonable heats and animosities, and not suffer themselves to be diverted by any specious pretences whatsoever, from stedfastly pursuing the true interest of their country, which should upon all occasions be their first and principal care.

This motion was seconded by

Mr. *Knight*, member for Sudbury, who likewise spoke in praise of his Majesty's conduct, and added, That he hoped the House would be unanimous in agreeing to the Address of Thanks, moved for by the honourable member who had spoke before him. Hereupon

Sir *John Barnard*, member for London, rose up and moved for an Amendment to the said motion as follows:

Mr. Speaker,

I shall always be ready to make all proper acknowledgments of Thanks to his Majesty; but there are some words in the motion made by the honourable gentleman who spoke first, which I cannot but take notice of. I do not really know what the honourable gentleman means by saying, 'We will endeavour to avoid 'all unreasonable heats and animosities, and 'not suffer ourselves to be diverted by any 'specious pretences whatsoever.' I hope there never were, nor never will be any unreasonable heats or animosities in this House, nor any specious pretences made use of by any gentleman who has the honour to be a member thereof; at least, I hope, that if any man shall ever be

regard to Excises in general, when the British parliament met on the 16th of January, 1733." Tindal.

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vain enough to endeavour to impose upon this House, by making use of specious pretences for concealing designs which he dare not openly avow, that there will always be in this House men of understanding and integrity sufficient to expose any such attempt, and to render it vain and ridiculous. But if any gentleman of the House happens not to like what is said, or what is moved for by another, cannot he oppose it, and give his reasons for so doing, without being guilty of any unreasonable heat or animosity, or of making use of specious pretences? I must say, Sir, that the desiring such words to be put into our Address of Thanks to his Majesty, to me looks as if the gentleman was conscious that there is something to be brought before us, in this session of parliament, which he foresees will meet with a warm opposition; and, I hope, if any thing of an extraordinary nature is to be brought before us, no gentleman will be precluded by these words, or by any words that can be put into our Address, from giving his sentiments freely upon any question that may occur. If any thing should happen to be proposed in this House, which evidently appears to be inconsistent with the liberties or the trade of this nation, I hope the indignation of every man that thinks so, will rise against such a proposition, and that he will oppose it with that honest warmth, as becomes every man who has the happiness of his country really at heart: Such a warmth is no unreasonable heat; it does not proceed from animosity, but from that honest zeal, which every man in this House ought to have for the constitution of his country, and for the liberties and properties of the people he represents.—But before I say any thing more upon this subject, I must take notice of a preceding part of the motion made by the honourable gentleman: He proposes for us to say, 'That we will raise 'the supplies in such manner as will most con-'duce to the present and future ease of the 'subject.' Now, there seems to be a great jealousy without doors, as if something were intended to be done in this session of parliament, that may be destructive to our liberties, and detrimental to our trade: From whence this jealousy hath arisen, I do not know; but it is certain that there is such a jealousy among all sorts of people, and in all corners of the nation; and therefore we ought to take the first opportunity to quiet the minds of the people, and to assure them that they may depend upon the honour and integrity of the members of this House; and that we never will consent to any thing that may have the least appearance of being destructive to their liberties, or detrimental to their trade; for which reason I must move for an Amendment, and that these words, "And such as shall be consistent with the trade, interest, and liberty of the nation," may be added to what the honourable gentleman has already proposed.

Sir John Barnard was backed by

Mr. *Sandys*, member for Worcester, who declared, That he saw no manner of occasion for inserting, 'That they should endeavour to avoid 'all unreasonable heats and animosities, nor 'suffer themselves to be diverted by any spe-'cious pretences;' for that it was never to be presumed with regard to the House of Commons that they should fall into any unreasonable heats and animosities, or suffer themselves to be diverted by specious pretences from steadfastly pursuing the true interest of their country; that such a reflection was derogatory to the honour of the House in general, and of that House in particular, who deserved it, in his opinion, as little as any House ever did; nay, it was somewhat strange that this House, after having sat so quietly for so many sessions, and granted so many considerabe supplies, should at length so officiously be put in mind of their duty, and desired to avoid unreasonable heats and animosities; and as for the other part of the motion, taken notice of by sir John Barnard, it was his opinion the amendment proposed was not only very proper, but also became absolutely necessary at that juncture. Then,

Mr. *Skippen* moved for a farther Amendment as follows:

Mr. Speaker,

I have always been against long addresses; I am ready enough to agree to an address of thanks to his Majesty for his most gracious speech from the throne; but such address ought to be in the most concise terms, and the most general words: this was the ancient usage of parliament, and I find but few of our old customs that are altered for the better: however if we must go on with the custom of making long-winded addresses, I think we ought to take some notice of the spirit that is at present among the people. It is very certain, that there are great fears, jealousies, and suspicions without doors, that something is to be attempted in this session of parliament, which is generally thought to be destructive to the liberties and to the trade of this nation. There is at present a most remarkable and general spirit among the people, for protecting and defending their liberties and their trade, in opposition to those attempts which they expect are to be made against both: from all quarters we hear of meetings and resolutions for that purpose; and this spirit is so general, that it cannot be ascribed to any one set of men: they cannot be branded with the name of Jacobites or of Republicans, nor can it be said that this opposition is made only by Jacobites and Republicans; no, the whole people of England seem to be united in this spirit of jealousy and opposition. Whether there be any reason or ground for exerting such a spirit at present, I do not know; but I am sure it ought not to be entirely neglected. It is well known that I am no friend to popular remonstrances; a man that is a favourer of monarchy cannot well approve of such measures; but such remonstrances are not to be contemned: a thorough contempt of them may produce the most terrible effects.

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I look on it as a most certain maxim, that the people never would so generally complain, unless they found themselves some way hurt; and then they have a right to complain, and it is our duty to take notice of their complaints; but at the same time we ought to have a regard to the honour and dignity of parliament; for which reason I shall beg leave to add to the amendment proposed, and move that these words, "And such as shall be consistent with the honour and justice of Parliament," may be added to what has been before proposed.'

The addition of these words being approved of by sir John Barnard and Mr. Sandys,

Sir *Robert Walpole* stood up next, and spoke as follows:

Mr. Speaker,

I now rise up, Sir, to do what is not usual for me to do; it is to second a motion made by my worthy friend who spoke last. I was really of opinion, that his Majesty's speech was in such terms, that no exception could have been taken to any one word of it; and the motion for an address of thanks was so short and so agreeable to his Majesty's speech, that I could not imagine any such objection could have been made, as has been made to some of the words thereof. His Majesty in his speech recommends the avoiding of unreasonable heats and animosities, and in answer to that part of his Majesty's speech, the honourable gentleman, who moved for the address, proposed that we should say, that we would avoid all unreasonable heats and animosities: In my opinion, there cannot be a more proper return to that part of the speech: and as his Majesty only desires that we would avoid all unreasonable heats and animosities, he surely did not thereby intend to preclude any man from offering his sentiments freely on whatever may be proposed. If any thing be proposed that is inconsistent with the public good, no opposition thereto can be called an unreasonable heat or animosity; nor is such an opposition any way comprehended in the words made use of by his Majesty, in his most gracious speech from the throne.

As for the Amendment proposed in the other part of the motion, it really seems to me to be liable to the same objection, that has been made to the words I have just now taken notice of. It is not to be presumed that we will do any thing that is inconsistent with the honour and justice of parliament, if any such thing should be proposed, it would, without doubt, be rejected with scorn. And as for the trade of the nation, I do not know what the gentlemen mean thereby; but as to what I mean by the trade of the nation, and in so far as I understand it, I hope nothing will ever be brought into this House that is or can be detrimental thereto; if there should, it would most certainly be rejected. I am sure, Sir, that I know of no such design, I know of nothing that is to be brought in, that can any way injure the trade of the nation; but if any thing can be proposed for the improvement thereof, I shall very readily agree to it, and so, I hope, will every gentleman in this House.

I agree with the honourable gentleman who spoke last, that the complaints of the people are not to be neglected, when they are sincere and true; I hope they will always be regarded by every gentleman in this House: if the people are hampered in their trade, or in any other way hurt, they must feel it, and they will feel it before they begin to complain: in such case it is the duty of this House, not only to hear their complaints, but to find out a remedy, if possible: but the people may be taught to complain, they may be made to feel imaginary ills, and by such practices they are often induced to make complaints before they feel any uneasiness. However, let the people's complaints be real or imaginary, let them be well or ill founded, it does not signify to the present question: if the gentlemen think it necessary to add the words they have proposed, the adding or not adding of them is to me a matter of absolute indifference, they may do whatever they think proper.

Mr. *Walter Plumer* hereupon replied, That he did not know whether or no the people might be taught to complain when they felt no hurt; but was well assured, that if by any means they were taught not to complain, they would at last come to feel the hurt severely, when perhaps their complaints would avail nothing, but rather expose them to the contempt of those who had done them the greatest injuries.

Sir *John Barnard* stood up again, and spoke as follows:

Mr. Speaker,

If the honourable gentleman on the floor, (sir Robert Walpole) thinks that our trade cannot be hurt by what the people seem to be afraid of, I am sure he must think that he understands trade better than all the traders in England; and if that is his notion, I do not really understand what trade he means, but he must mean, by the trade of the nation, something different from what is thereby meant by all those that are concerned therein. I thought I had given a sufficient reason for adding the words I proposed; but since it has been insinuated, that they are liable to the same objection as the words first taken notice of by me, I must explain myself a little farther. It is certainly to be presumed, that this House will never agree to any thing that is destructive to the liberties, or detrimental to the trade of the nation: I am sure, if ever we do, we shall do what is inconsistent with the honour and justice of parliament. This is certainly not to be presumed; yet we find there is a spirit of jealousy gone forth; there are very general apprehensions that some such thing is intended; and for this reason, I moved for the amendment; but there are no jealousies, no fears of our falling into unreasonable heats and animosities; his Majesty, I hope, never had any such jea-

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lousy, and I am sure the body of the people apprehend no such misfortune; and therefore there is no reason for having any such words in our Address.

The question was then put, and the Amendment proposed was agreed to without any division. Then

Sir *Thomas Aston*, member for Liverpool, stood up, and made a farther objection to Mr. Bromley's motion as follows:

Mr. Speaker,

I cannot in any Address, to be presented to his Majesty, approve of saying what I do not believe to be true. It is proposed, that we should congratulate his Majesty upon the situation of our affairs both abroad and at home. This I cannot by any means agree to, because I do not really think that our affairs are in the best situation either abroad or at home. Are not our neighbours the French still going on in fortifying and restoring the harbour of Dunkirk, under our very nose, and contrary to the faith of the most solemn treaties? We cannot now say that the French are our good allies; and by their behaviour in this particular, we may see that we cannot much depend upon the faith of any of the treaties now subsisting between us and them: even this very affair we may, perhaps, in a little time hear made use of, as an argument for our keeping up a numerous standing army in time of peace; and can we express a satisfaction at the present situation of our affairs, as long as there is any argument left for keeping up a numerous standing army in time of peace, which has always been thought so inconsistent with the constitution and liberties of our country?

Have our merchants as yet met with any redress for those depredations committed upon them by the Spaniards? Is not that affair still delayed and put off, notwithstanding the most explicit engagements entered into by the famous treaty of Seville? That treaty which we have heard so much applauded, and by which we entered into engagements of the greatest consequence; on our part it has been most punctually performed, and yet our plundered countrymen, our merchants, are still waiting for that reparation, which in justice is due to them, which by the most solemn engagements has been stipulated for them, and which was, I may say, the only stipulation in our favour contained in that treaty. Shall we then say, that we are satisfied with the present situation of our affairs, while the cries and complaints of our injured and unredressed countrymen are daily meeting us in every corner of the streets?

Again, as to our home affairs, is not our trade daily decaying? even our staple manufacture is almost quite undone. There is scarcely any sort of trade in a thriving condition, but that in Change Alley; and there, Sir, there are such abominable frauds, and such wicked impositions daily practised, that many honest well-meaning men have thereby been totally ruined and undone. Does not almost every session of parliament open to us some new scene of villainy and roguery? These calamities are almost universal, they do not fall upon single persons, or upon a few, but upon multitudes at a time; and these, for what I know, may be owing, in some measure, to some of those persons who have in their hands the management of public affairs: It may be owing to their neglect that rogues are thus enabled to dress up and manage such public scenes of knavery. While such fraudulent practices are suffered, and our trade thereby so much injured, can we approach the throne, and say in such a solemn manner, that we are satisfied with the situation of our affairs at home? For my part, I am no way satisfied with the present situation of our affairs either abroad or at home, and therefore I must move that these words should be left out, or some way altered. Upon this

Mr. *Speaker* stood up, and told sir Thomas Aston, That by the orders of the House, and the constant forms of their proceedings, the making of an Amendment to any part of a motion, was an approbation of every preceding part of that motion; and as that part of the motion, which he proposed to amend, preceded that which the House had agreed to amend, therefore they could not now receive his motion.

This last motion was therefore dropped. Then the question was put upon the motion made by Mr. Bromley, as amended by sir John Barnard and Mr. Shippen, which was carried without any division; and an Address was drawn up and approved of by the House.

The Commons' Address of Thanks.] Jan. 18. The same was presented to his Majesty as follows:

"Most gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, humbly beg leave to return your Majesty our most sincere and hearty thanks, for your most gracious Speech from the Throne.

"The situation of affairs, both at home and abroad, gives your faithful Commons the highest satisfaction, and fills their hearts with the deepest sense of gratitude to your Majesty, being fully sensible, that the present happiness we enjoy is the entire effect of your Majesty's wisdom and resolution.

"Such Supplies, as shall be necessary for the honour, safety and defence of your Majesty and your kingdoms, shall cheerfully and effectually be raised by your faithful Commons, with all possible duty to your Majesty, and a just regard and concern for those we represent.

"We also beg leave to assure your Majesty, that in all our deliberations, as well in raising the supplies, as in the distribution of the public revenues, we will pursue such measures, as will most conduce to the present and future ease of our fellow subjects, and such as, agreeably to your Majesty's known goodness and gracious intentions towards your people, and the constant

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endeavours of your faithful Commons, shall be consistent with the honour and justice of parliament, and with the trade, interest, and liberty of the nation.

"That our proceedings may carry with them the weight and credit, which always ought to attend the resolutions of the Commons of Great Britain; and that the necessary dispatch may be given to the public business, we will use our utmost endeavours to avoid all unreasonable heats and animosities, and not suffer ourselves to be diverted, by any specious pretences whatsoever, from stedfastly pursuing the true interest of our country, which, in pursuance of your Majesty's most gracious recommendation, from your great example, and our own indispensable duty, shall upon all occasions be our first and principal care."

The King's Answer.] To this Address his Majesty returned the following Answer:

"Gentlemen;

"I return you my thanks for these dutiful assurances of your zeal and affection for me; and I make no doubt but that your resolutions to pursue such measures, as will most conduce to the ease and true interest of all my subjects, will as effectually recommend you to the good opinion and esteem of my people, as they are acceptable to me."

Petition from the Proprietors of the Charitable Corporation.] Jan. 31. The Commons balloted for a Committee of twenty one members, to consider of a Petition from the Proprietors of the Charitable Corruption, setting forth, "That by the unparalleled neglect of all the notorious Frauds and Embezzlements of some of the persons entrusted with the care and management of their affairs, the Petitioners having been defrauded of their whole Capital, whereby many of them were reduced to the greatest distress, did, upon their application for relief, obtain three several acts the last session of parliament; that by the favour and interposition of his Majesty, several material Books and Papers have been since recovered, which give further light into those frauds and abuses; and that through the length and intricacy of the inquiry, there was not time in the last session for any farther proceeding for their relief: and therefore praying the House to take their unhappy case into farther consideration, and to grant such relief to the petitioners as to the House shall seem meet."*

Debate on Mr. Sandys's Motion for bringing up the same Pension-Bill, which was passed last Session by the Commons, and rejected by the Lords.] This day, the House having no immediate business before them,

Mr. *Sandys* stood up and spoke as follows:

Mr. Speaker;

As the House seems at present to be at leisure, I shall take the opportunity to put them in mind of a Bill, that for two or three sessions successively has passed in this House, without any opposition whatever, and has been as often thrown out in the other. What their reasons were in the other House for so often throwing out such a Bill, I shall not take upon me so much as to guess at; but I think it never met with any real opposition in this House: There were indeed some gentlemen, who testified a sort of a dislike to the Bill, but I think they never carried it so far as to form any argument against it, or to bring the affair to a debate. It has been often remarked, that there never was, as yet, any thing brought into either House of Parliament, that was really in itself useful and necessary for the public welfare, but what, by a proper perseverance, was at last carried through and passed into a law. Even a good thing may, for a considerable time, by many be mistaken; from private passions and prejudices, for want of being rightly understood. it may for some time meet with opposition, but truth and reason will always at last prevail; and when we are fully convinced of the goodness and usefulness of what is offered, it has always hitherto been found, that a sense of our duty has in both Houses of Parliament got the better of all other passions, which some men might privately harbour in their breasts. This, Sir, encourages me to persevere in what I have so often had the honour to offer to this House, and to renew it again this session, notwithstanding its bad fate in former sessions of parliament. I am thoroughly convinced, that what I have to offer, is not only a good thing, but absolutely necessary for the preservation of our constitution; and therefore I hope it will, by its own weight, at last force its way through the opposition it has hitherto met with.

I believe, Sir, every gentleman in the House, by this time, supposes that I mean the Bill, 'For making more effectual the laws in being, 'for disabling persons from being chosen mem-'bers of, or sitting or voting in this House, who 'have any Pension during pleasure, or for any 'number of years, or any office held in trust 'for them.' This is the Bill I propose to have renewed; and as this House has been fully aprized of the contents of the Bill, designed in former sessions, for these good and salutary purposes, I have prepared a Bill which I have here ready to offer to the House, and which is the very same, word for word, with that which in the very last session of parliament had the approbation of this House; I therefore think it

* "This petition met with a most cordial reception in the House, and nothing can be a more striking proof, how little the ministry interfered in affairs of material justice, than the list of the names of the gentlemen upon whom this ballot fell. They were, Mr. Palmer, Mr. Perry, Mr. Bromley, Mr. Harley, Mr. Plumer, Mr. Sandys, Mr. Wynn, sir Thomas Saunderson, sir John Rushout, lord Morpeth, sir John Barnard, lord Limerick, Mr. Digby, Mr. Bramston, Mr. Wyndham, sir Thomas Robinson, Mr. Danvers, Mr. Henry Bromley, Mr. Cambell, Mr. Conduit, Mr. Winnington." Tindal.

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quite unnecessary to move the House for leave to bring *in* such a Bill; but my motion shall be for leave to bring *up* the Bill which I have now in my hand.

Mr. *Winnington* observed, That the constant practice of the House, for an hundred years past, has been to move for a Bill to be brought in, and not for leave to bring it up to the bar: That should this laudable method be broke into, and the ancient custom revived for each member to present what he pleased, they might be surprized into things very improper and inconsistent with the dignity of the House: That therefore, though he had nothing to say against the Bill, it was his opinion the honourable gentleman's motion ought not to be complied with: Then to wave the question, he called for the order of the day. Upon this

Sir *Edward Stanley*, knight of the shire for Lancashire, spoke for the motion, and declared, That he saw nothing in it irregular; for that leave to bring *in* a Bill, or leave to bring *up* a Bill, was in effect the same leave; nor could he conceive wherein lay the mighty difference.

Sir *William Yonge* spoke as follows:

Mr. Speaker,

I do not at all wonder to see the gentleman who made the first motion, persevere in the same thing; but I must confess I am a little surprized to see several state-topics every year renewed and insisted on by some gentlemen in this House, notwithstanding their having seen these topics so often disapproved of by a majority of the House. As to these, I am really quite tired with hearing the same arguments repeated over and over again every session of parliament: The hon. gentleman should not have said, that the Bill he mentioned had always passed, even in this House, without opposition; there were generally some gentlemen appeared against it, and even testified their dislike to it: But let the Bill be what it will, let it be a good thing, or let it be a bad thing, the manner in which the gentleman desires to have it introduced is very extraordinary. It is indeed a privilege of the members of the other House, that any lord may offer a Petition or a Bill to the House without asking leave of the House; but this privilege the members of this House have, for the sake of decency and order, given up long ago; and I can see no manner of reason for our re-assuming it, or for our beginning now to extend our privileges beyond what they have been for so many years past. As to the bringing of Bills into this House, it is well known, that the usual motion on such occasions is for leave to bring in such a Bill as is proposed; but this is a new sort of motion; it is a motion for leave to bring up such a Bill, which is a very extraordinary motion, and such as I am sure there is, in the present case, no manner of occasion for, and therefore I really think the motion ought to be rejected, it ought to have a negative put upon it; but since the worthy gentleman near me (Mr. Winnington) has waved that point, and has moved for the order of the day, I shall now only second his motion.

Mr. *Walter Plumer* stood up next, and took notice of what sir William Yonge had urged touching the same arguments being repeated every session of parliament, though the majority had often determined against them; and added, That whatever that gentleman might think in that respect, it was his opinion the majority could not alter the nature of right and wrong; and for his part, let the majority determine as often as they would, yet he should always be ready to offer those arguments, which he took to be good ones, against such as he thought were not so: As for the gentleman's being afraid lest the members of this House should re-assume any ancient privilege, or extend those they at present enjoy, he saw no reason for his being so cautious in that respect, since what was proposed was in effect no re-assumption of any old privilege, nor extension of any privilege they enjoyed, it was at most neglecting only a piece of form upon an extraordinary occasion, when there appeared no manner of use in observing it.

Sir *William Wyndham* spoke as follows:

Sir,

I am surprized to hear any gentleman in this House find fault with gentlemen insisting upon their opinions, notwithstanding their having been disapproved of by a majority in former sessions of parliament. I do not think that the majority's being of a contrary opinion, can ever be made use of as an argument for convincing men that they are in the wrong: The minority, notwithstanding their being out-voted, may still have as good an opinion of their opinions, as the majority have of theirs. It has often happened, that what has been disapproved of by the majority in one session of parliament has been approved of by a majority in some future, perhaps in the very next session of parliament; and even as to the Bill now in hand, it has been two or three times approved of by the majority of this House, and as often rejected or disapproved by the majority of the other House; what their reasons were I do not know, but I am of opinion, that the same reasons against the Bill were not offered to the members of this House, that were offered to the members of the other; for if they had, it would probably have been disapproved of, and rejected by the majority even of this House. From hence it appears, that the majorities being of any one opinion, is no infallible sign of that opinion's being right. This, Sir, I thought myself obliged to take notice of, that those gentlemen, who happen to be generally of the same opinion with the majority, may not from thence conclude that they are certainly right. As to the matter now in dispute, I really think it is of no moment: whether the gentleman shall have leave to bring up the Bill, or to bring in a Bill, is to me a matter of so much indifference, that I cannot find out a reason why the gentleman's motion should have been opposed; for to order a gen-

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tleman to prepare a Bill, after he has told us that he has prepared one, and that it is the very same with what the majority of this House has in former sessions approved of, really seems to me to be a little incongruous: I can find out no reason for gentlemen's insisting upon this piece of incongruity, unless it be that they have a dislike to the Bill itself. We certainly ought in general to observe the usual method of proceedings; but surely, we ought not to observe any customary method, when the observing it appears to be in itself absurd.

Sir *John Rushout* declared, That he saw nothing in the motion either new or unprecedented: That he remembered there was a Bill presented in the House of late years, in the same or rather in a more extraordinary manner, and this was the last Suspension of the Habeas Corpus Act in the late reign; when the gentleman who brought in that Bill, sitting close at the bar of the House, rose up, and after informing the House of the danger the crown and kingdom were in from the rebellious plots then carrying on, and the necessity of impowering his Majesty to secure all suspected persons, he told them he had prepared a Bill for that purpose, and therefore moved for leave to bring it up, which was immediately granted; and the Bill, to the best of his memory, was read twice that day, and ordered to be committed: That this was something more extraordinary than the motion before them, because the Bill then ordered to be brought up had never been before the House, and by consequence no member could be any way apprized of the contents thereof; whereas the Bill in question had been before the House, and frequently had their approbation: That as for the privilege inherent in every member of this House, he believed none would dispute but that the ancient method has been for any member to offer what he pleases.

Sir *William Yonge* stood up, and explained himself with regard to that part of his speech, which touched on the privilege of members. He said, That there seemed to be a mistake, as to what he had mentioned about the members of the House not being allowed to bring in any thing without leave of the House: that this has not properly any relation with what are called the privileges of the House: that it is not only a restraint which the members of the House have thought proper to lay on themselves, for the more orderly carrying on the public business, and to prevent any thing that is trifling from being brought before us; and this restraint has been found so convenient and necessary for preserving the honour and dignity of the House, that it has never for many years been departed from, but upon the most extraordinary occasions. Sir William Yonge was backed by

Sir *Robert Walpole*, who added, That the precedent quoted by sir John Rushout was on one of the most extraordinary occasions that ever can happen, and in a case that required the utmost dispatch; that in short there was no comparison between that case and the case before them; that the case in this Bill did in no ways depend on this extraordinary method; for should the gentleman move in the usual manner for leave to bring in the Bill, and orders should thereupon be given by the House to some gentleman to prepare and bring in the same, this method would be no hindrance to the passing of the Bill, or occasion its being put off till the next session of parliament. Upon this

Mr. *Sandys* rose up, and spoke a second time as follows:

Sir; I shall be very far from making any comparisons between the case in hand, or between any case, and that which immediately concerns the safety and preservation of the crown. But as I had assured you that the Bill, which I have in my hand, was the very same with that which had before been approved of by this House, I thought it was quite unnecessary for the House to observe that ceremony of ordering some gentlemen to prepare and bring in a Bill, which was already prepared; and which the House has approved of in the very last session of parliament: this was my reason for moving for leave to bring it up. I do not desire to bring any thing into this House without first having the leave of the House for so doing; yet I cannot think, that though the antient method of proceeding were revived, the House would be in any danger of being surprised into any thing: there is no Bill can pass in this House, till it has been three times read in the House, and has passed through a committee of the House; and while those forms are observed, the House never can be surprised into the passing of any Bill, even though we should again re-assume that privilege of every member's having a power to bring into the House whatever he pleases. It is not the restraint we have laid ourselves under, that prevents the House's being surprized; it is the necessity of having the Bill so often read before it can pass; for when a gentleman has moved for leave to bring in any Bill for the purposes he mentions, the House cannot know whether the Bill prepared and brought in be according to their orders till it be once read in the House: some gentlemen might move for leave to bring in a Bill, and upon their obtaining such leave, and being ordered to prepare and bring in the same, might bring in a Bill of a quite different nature; but this would probably be discovered on the first reading, and the Bill would without doubt be thrown out; and whoever endeavoured thus to impose on the House, would deserve, and would probably meet with a most severe censure.

But the present dispute is not whether any thing shall be brought into the House without leave; the whole dispute really seems to be between the words 'to bring up,' and the words 'to bring in;' for my part, I am quite indifferent in this affair; whether I have leave to bring it up now, or to bring it in a little while hence, does not in my opinion signify much: if I have

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leave to bring it up, I must immediately take a walk to the bar; if I have leave to bring in a Bill, and am ordered to prepare one for that purpose, I shall take a walk the same way in a very little time; this I do not take to be any material difference: but as for the Bill itself, I do think it of such consequence, that if there were any method by which we could shew a more than ordinary regard to this Bill, that method ought certainly to be observed.

Then Mr. *Speaker* read from the Journal of the House, of the 9th year of the reign of king George 1, the precedent mentioned by sir sir John Rushout, and said,

"Gentlemen,

"The usual method of proceeding in this House, as to bringing in of Bills is, first, to move for leave to bring in a Bill for such or such purposes, and that being agreed to, the House then orders some of their own number to prepare and bring in the Bill; this is the usual method, but in the precedent I have now read to you it appears, that the then Solicitor General (sir P. Yorke) moved for leave to bring up such a Bill, which was granted, and he immediately brought up the Bill, and the same was read a first time; from which it is plain that Mr. Solicitor, when he made his motion, informed the House that he had prepared such a Bill, and had it then ready to be laid before them, and therefore he moved for leave to bring it up, which it seems the House at this time complied with."

Upon this some members suspecting that Mr. Speaker was, in pursuance of this precedent, going to put the question on the motion made by Mr. Sandys, they called out 'No, no!' Hereupon Mr. Speaker immediately resumed his speech, as follows;

"Gentlemen,

"As to the affair in hand, or any affair that comes before this House, I am not to appear of one side of the question nor of the other. It is my business to take care that the orders and methods of proceeding shall be regularly observed. In all questions about order I am to inform you, so far as consists with my knowledge, of what has been done formerly in the like cases; and I am to take care that all decency and order shall be observed, both in our debates and proceedings: This is my duty, and this I shall always endeavour to perform as far as lies in my power: In all cases I am to observe those directions that the House shall be pleased to give; and in the present case I only desire to know from you, what method you will observe, whether you are inclined to follow the precedent now read to you, or if you are inclined to proceed according to the method usually observed: But I must put you in mind, that if you proceed according to the usual method, decency requires that the Bill shall not be brought in immediately after the order for preparing and bringing in the same; it is necessary that some time should intervene between the order for preparing it, and the presenting of it to the House; and therefore I must desire, that those gentlemen who shall be ordered to prepare and bring it in, may not go immediately to the bar, and tell us, that they have, according to order, prepared such a Bill, and are ready to bring it in."

Hereupon Mr. Sandys not insisting on his motion, but agreeing to have the Bill brought in according to the usual method, the question was put, That leave be given to bring in a Bill, "For making more effectual the laws in being for disabling persons from being chosen members of, or sitting or voting in the House of Commons, who have any Pension during pleasure, or for any number of years, or any offices held in trust for them;" This being agreed to without any opposition, Mr. Sandys and sir Edward Stanley were ordered to prepare and bring in the same. Then the House resolved itself into a Committee of the supply, and as soon as that was over, Mr. Sandys presented the said Bill to the House, which was received and read the first time, and ordered to be read a second time.

Debate in the Commons on the Number of the Land-Forces.] February 2. The House resolved itself into a Committee, to consider farther of the Supply granted to his Majesty, and Mr. Andrews, member for Hindon, moved, "That the number of effective men to be provided for guards and garrisons in Great Britain, and for Guernsey and Jersey, for the year 1733, be, including 1815 invalids, and 555 men, which the six independent companies consist of, for the service of the Highlands, 17,709 men, commission and non-commission officers included."

This motion was seconded by Mr. Whitworth, and supported by sir Thomas Robinson, sir Richard Lane, sir Arthur Croft, sir William Yonge, hon. Mr. Henry Pelham, Mr. Horatio Walpole, and sir Robert Walpole: but was very warmly opposed by several members; and the lord Morpeth thereupon moved, "That the number of effective men for the year 1733, be only 12,000 he was seconded by Mr. Harley, and backed by Mr. Bramston, Mr. Rolle, sir John Barnard, sir Joseph Jekyll, Mr. Shippen, sir William Wyndham, Mr. Palmer, Mr. Thomas Wyndham, hon. Mr. Edward Digby, Mr. Pulteney, sir John St. Aubin, sir Thomas Saunderson, and sir John Hinde Cotton."

The Courtiers urged in support of the motion, That though the public tranquillity of Europe was now established, yet the preservation thereof depended on so many accidents, that it could not be certainly relied on, and therefore we ought always to be in such circumstances, as to be able not only to defend ourselves, but likewise to fulfil all our engagements to our allies: That there was still a very powerful and considerable party in the kingdom, firmly attached to the interest of the Pretender, and daily watching for an opportunity to disturb the quiet of the nation, by endeavouring to overturn the present happy establishment; and therefore it was necessary to keep up an armed force sufficient to dissipate any sudden insurrection that might be raised by such men:

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That this party was still the more audacious, and the more to be dreaded, because they were encouraged and spirited up by a great many scandalous and seditious libels, which were daily spread abroad, even by those who pretended to be friends to the Protestant succession, and to the illustrious family now on the throne.

Sir *Archer Croft* said on this occasion, That the continuing of the same number of forces, was the more necessary, because to his knowledge popery was increasing very fast in the country, for that in one parish which he knew, there were no less than seven popish priests; and that the danger from the Pretender was the more to be feared, because they did not know but that he was then breeding his son a Protestant.

Sir *Robert Walpole* took notice, That a reduction of the army was the chief thing wished for and desired by all the Jacobites in the kingdom; that no reduction had ever been made, but what gave fresh hopes to that party, and encouraged them to raise tumults against the government; and he did not doubt, but that if they should resolve to reduce any part of the army, there would be post-horses employed that very night, to carry the good news thereof to the Pretender and his adherents beyond seas. To this

Mr. *Horatio Walpole* added, That the number of troops then proposed was absolutely necessary to support his Majesty's government, and would be necessary, as long as the nation enjoyed the happiness of having the present illustrious family on the throne.

Sir *William Wyndham* alledged, in support of lord Morpeth's motion, That if they gave any credit to his Majesty's Speech from the throne at the opening of the session, which they were in duty bound to do, the tranquillity of Europe never was, nor ever could be on a more firm basis than at present, and therefore a reduction was now to be made in the army, or such reduction was never to be expected: That as to the Pretender, he did not believe that there was any considerable party for him in this nation: That that pretence had always been a ministerial device made use of only for accomplishing their own ends; but that it was in reality a mere bugbear, a raw-head and bloody-bones, fit only to frighten children; for that he was very well convinced his Majesty reigned in the hearts and affections of his people; upon that his Majesty's security depended, and if it did not depend on that, the illustrious family now on the throne could have but little security in the present number, or in any number of standing-forces, that could be kept up for its defence: That if there was any disaffection or any discontent in the nation, it was owing to the keeping up of such a numerous standing army in time of peace within this kingdom, whereby the people were subjected to many loads and hardships which they were never before acquainted with: That the people of England had never gone into any violent measures, or carried their resentment to any pitch against the prince upon the throne, but when the prince, or those employed by him, were first in the fault: That this maxim was so generally true, that in our whole history, there was no instance to the contrary, but only that which happened in the reign of king Charles I. and that therefore, if there was any uneasiness among the people, the proper remedy was, to remove those things which were the causes thereof: If the ministers should change their measures, the people would certainly alter their minds: That the Dutch were, by the situation of their country, in a much more dangerous state than we are or can be in, and yet the Dutch had then resolved on a reduction of their army, and therefore we could have no pretence for continuing ours.

Mr. *Shippen* likewise observed, That though the general arguments in the affair before them had often been canvassed in that House, yet, that the debate of this day seemed to him something new: in former years the gentlemen, who argued for the continuance of a numerous standing army in time of peace, always argued for the continuance thereof only for one year longer; but that gentleman had now thrown off the mask, and were become daring enough to declare, 'That the same number of forces 'must always be kept up; and that a numerous 'army must for ever be continued, and be 'made, as it were, a part of our constitution;' that we have already continued the army so long, that some gentlemen had told the House this day, what no man would have ventured to have told them a few years ago: that if they continued the same army but a little while longer, it might be in the power of some gentlemen to talk to the House, in terms no way agreeable to the constitution or to the liberties of our country: that to tell the House that the same number of forces must be always kept up, was a proposition fraught with innumerable evils, and more particularly with this, that it may make wicked ministers more audacious, than otherwise they would be, in projecting and propagating schemes, which may be inconsistent with the liberties, destructive to the trade, and burthensome on the people of this nation: that in countries which are governed by standing armies, the inclinations of the people are but little minded, the ministers place their security in the army, the humours of the army they only consult, with them they divide the spoils, and the wretched people are plundered by both. He added, That in this kingdom, his Majesty has the hearts, the hands, and the purses of all his subjects at his service, and he wished he might have them always at his service; but he hoped they would never be in his power; that his Majesty desired no such thing; that he never can desire it that depends only on the affections of his people; that therefore he was convinced that the demand of so numerous a standing army never could come from him: that it was no way necessary for his sup-

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port, whatever it might be for the support of those who now desired to have it continued.

Mr. *Rolle* said, To him it appeared, in order to preserve ourselves against one who might perhaps prove a tyrant, we were going to establish 18,000 tyrants, and to make their establishment in some measure a part of our constitution: and that in order to be free of a religion which we think a bad one, we are resolved to have none at all: that as to the party which the Pretender had in this nation, he could not believe there was any such thing: it was nothing but a mere pretence, and the making use of that pretence on all occasions, really could not but make him recall to mind that wicked and blasphemous saying of Pope Leo X. who, on occasion of a procession's passing by while he was at an elegant entertainment, said to his cardinals, 'Quantum profuit nobis 'hæc fabula Christi!' He concluded with these words: Let us do as our forefathers used to do, 'Let us remove the wicked from before the 'king, that so his throne may be established in 'righteousness.'

Mr. *Pulteney* said, That he could not but be diverted with some arguments that were then, and had been on former occasions made use of, for keeping up a standing army in time of peace: that the last year the House was told, that a Popish Solicitor was a dangerous man to the government, (see p. 903), and now that Popish Solicitor had spawned out seven popish priests, (see p. 1185), and even the post-horses (see p. 1185), had joined in this traitorous confederacy.

In answer to the argument brought from the reduction of the Dutch forces,

Mr. *Pelham* declared, That the reduction mentioned was not then agreed to by the States General: that it was a great question whether it would or no, and if it should, it was only a reduction of the last augmentation, whereas the last augmentation had been reduced by us long ago; so that the Dutch were now only going to make that reduction, which we had made upon the first prospect we had of seeing the tranquillity of Europe established: that though the reduction proposed in Holland should be made by them, yet they would still have in proportion a much greater number of standing forces, than what was now proposed to be kept up in this kingdom.

Sir *Robert Walpole* added, That he could not help taking notice of an observation one gentleman had made, as to the people's never carrying their resentment to any pitch against the prince upon the throne, unless the prince, or those employed by him, were first guilty of some fault: that that member was pleased to admit of one exception to this rule, in the case of king Charles I. But the gentleman ought to have admitted of another exception, and that was in the time of king George I. That he did not know what pitch of resentment the gentleman might mean, but he was sure there were some people, who carried their resentment against that king to a very high pitch; and it could not be said that he was ever guilty of any fault, nor that those employed by him had, then at least, been guilty of any fault; yet some people carried their resentment so high, that they appeared in arms, in order to dethrone him; that he thanked God, they did not succeed in their attempt: that they happened to be defeated by the small number of regular forces we had then in the kingdom, which were much inferior to them in number; such was our great good luck at that time; but that he must say, that those gentlemen, who desired to have the country left as void of defence as it was at that time, could have but little regard for our present happy constitution, or for the security of the illustrious family now upon the throne.

Then the question being put on the motion made by Mr. Andrews, it was agreed to by 239 against 171.

Feb. 5. The above Resolution of the Committee was reported to the House, and thereupon Mr. Watkin Williams Wynn moved for the re-committing of that Resolution; which motion was seconded by Mr. William Bromley, and supported by sir John St. Aubin, Mr. Sandys, sir Wilfrid Lawson, Mr. William Gwyn Vaughan, Mr. Heathcote, and Mr. Wyndham. They were opposed by lord Hervey, lord Malpas, Mr. Danvers, Mr. Clutterbuck, sir Philip Yorke and Colonel Bladen. In this debate,

Mr. *Clutterbuck* having said, That he wondered to see gentlemen so jealous of encroachments upon our constitution, at a time when it was in its greatest vigour, and shone forth in its purest lustre;

Mr. *Wyndham*, in answer thereto, gave the House an historical account of our constitution, and of the several dangers it had been in, and the changes it had gone through; and from thence he shewed, That it was very far from being now in its greatest vigour, and that on the contrary, there were many bad customs had crept in of late, which were of dangerous consequence to our constitution; and might prove to be the cause of its overthrow, if some effectual remedy was not speedily applied.

Then the question being put, for re-committing the above-mentioned Resolution, it was carried in the negative, by 207 against 148; after which it was agreed to by the House. Then

The *Lord Morpeth* stood up, and represented the bad circumstances of the nation, by reason of the great debts and the many taxes the people groaned under, and therefore moved, "That an humble Address be presented to his Majesty, to desire his Majesty, that he would be graciously pleased, from his earnest desire to ease his people of every charge not absolutely necessary, and his regard to the constitution of this kingdom, to take the first favourable opportunity of making a Reduction of those forces, which this House hath voted in pursuance of the Estimate laid before them by his Majesty's direction."

His lordship was seconded by Mr. Sandys

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sir William Wyndham, Mr. Pulteney, Mr. Shippen, and Mr. Heathcote, who urged, The great necessity that there was for taking all opportunities to reduce the public expence; that thereby some of those taxes might be taken off, which at present lay so heavy on our trade and our manufactures, that most of our neighbours were enabled to undersell us in foreign markets: That the keeping up of a standing-army in time of peace, without any absolute necessity for so doing, was altogether inconsistent with the liberties of this nation: That though there might be at present an absolute necessity for keeping up the number of forces agreed to by that House, yet that that necessity might cease in a few months, perhaps in a few weeks; and if so, it would then become necessary both for the ease of the nation, and for the preservation of the constitution, to disband some of them: That though the king was always to be presumed to be thoroughly acquainted with the circumstances of the nation, and always inclined to do that which might most contribute to the public welfare; yet it had always been the custom of that House, and was their duty, to address the king upon matters of very great consequence; in order to recommend to his Majesty those measures which they thought would conduce most to the happiness and safety of the nation.

But this motion was opposed by Mr. Talbot, lord Hervey, Mr. Henry Pelham, and sir Robert Walpole, who alledged, That the presenting of such an Address was in some measure inconsistent with the Resolution they had then agreed to; That it was resolving that the number of forces for the year 1733 should be so many; and addressing that they should not be so many: That these two Resolutions, following one another upon their Journals, would appear to be very extraordinary: That besides, the presenting of such an Address would be disrespectful to his Majesty, in so far as it would be a sort of insinuation that his Majesty might neglect taking the first opportunity of reducing the army, and thereby lessening the public charge; and as they never yet had the least occasion to suspect any such thing, it would be now unjust to harbour any such suspicion: that in many cases it might be the custom, it might be the duty of that House, to address the throne on particular emergencies; but in a case that regarded his Majesty and his administration in such a general manner, as the case in hand did, it would be most disrespectful: That they might as well address his Majesty to govern according to law, or not to encroach upon the constitution; and an Address in such terms would, they believed, be allowed to be shewing a very high disrespect to the King upon the throne.

Mr. *Shippen* on the other hand, insisted, That his Majesty knew how much the nation was loaded with debts and taxes, and how inconsistent it was with our constitution to keep up a standing army in time of peace, and that therefore his Majesty, he was sure, would not look on their presenting of such an address as any way disrespectful to him. Some members having taken offence at these expressions, Mr. Shippen replied, That he could not but look on himself as a very unfortunate man, for that in the late reign he had incurred the displeasure of many gentlemen, and had undergone a severe censure of that House, for saying that it was one of the greatest misfortunes of his late Majesty's reign, that he did not know our language, and was unacquainted with our constitution: * and that now he had disobliged several others, by saying that his present Majesty well knows the circumstances of the nation, and is acquainted with our constitution; but that, however, he could not help thinking but that his Majesty was thoroughly acquainted with both; and that therefore he would look upon such an Address, as proceeding from that honest care and concern, which every member ought to have for those who sent them thither, and not as proceeding from any disrespect towards him: That his Majesty could not be displeased therewith, and that those they represented must be highly pleased to see the House so watchful of all opportunities to lessen their charge, and to recommend their ease and advantage to the crown.

But the question being put on the lord Morpeth's motion, it was carried in the negative, by 203 against 136.

Motion for raising the Supply for the current Year, without creating a new Debt on any of the Funds.] Feb. 7. A motion was made, "That this House will raise the necessary Supplies for the current service of this year, without creating any new debt upon any fund whatsoever."

This motion occasioned a fresh debate, in which the speakers against it demonstrated, that it could not be carried into practice, without hazarding the success of the service for the current year: and, that in fact, there was no difference in the two manners of raising the money, only, that the usual manner was more easy for the people; upon which, the motion was dropped without a division.

Debate in the Commons on the Spanish Depredations.] Feb. 13. The affair of the Spanish Depredations having given great uneasiness to the whole nation,

Sir *Wilfrid Lawson* rose up and spoke as follows:

Sir, The many and great losses our merchants have sustained by the depredations committed on them by the Spaniards, are I believe, well known to every gentleman in this House; and it is likwise known, that by the second separate Article of the Treaty of Seville, all those affairs were to have been settled and adjusted in the space of three years; these three years are now expired, but I do not find that any body knows how any of those affairs have been

* See vol. 7, p. 511.

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settled and adjusted, at least I cannot hear of any one of our merchants who has met with any redress.

As the time is now expired, I hope our merchants have already got, or are very soon to receive a sufficient reparation for all their sufferings; this I hope for, and I should be extremely glad to have my hopes confirmed; it is an affair on which the happiness of many private men depends, and is of so much consequence both to the honour and trade of this nation, that it is incumbent upon us, as members of this House, to inquire into it; and therefore I shall move, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give direction, that there may be laid before this House, copies of the Reports made by his Majesty's commissaries in Spain, together with all letters and papers relating thereto; and what satisfaction has been made to the subjects of Great-Britain, for the losses they sustained by the depredations of the Spaniards in Europe, or in the Indies, pursuant to the second separate Article of the treaty of peace, union, friendship, and mutual defence, between the crowns of Great Britain, France, and Spain, concluded at Seville on the 9th of November, 1720."

This Motion being seconded,

Sir *Robert Walpole* stood up and spoke as follows:

Mr. Speaker,

Such an Address as has been moved for, may, if gentlemen insist on it, be presented to his Majesty, but I can now assure you, that there is as yet nothing that his Majesty can lay before you; for though by the treaty of Seville the commissaries of the two nations were to settle all the affairs referred to them by that treaty, within the space of three years from the date thereof, yet by reason of several unforeseen accidents, they never could meet so as to enter upon, or do any business till the month of February last: since that time they have been proceeding upon the affairs referred to them; but as yet there is nothing brought to that maturity, or formed into such a shape, as to be proper to be laid before this House. The delays they at first met with made it necessary to prolong the time for settling and adjusting those matters, and therefore it has been agreed between the two nations, that the three years shall be computed from that day in February last, on which the commissaries first met; and by that time it is to be hoped that all those affairs will be settled in such a manner, as will give full satisfaction to every member of this House, and full reparation to every one of the subjects of Great Britain, who has met with a real injury from the Spaniards.—To this

Mr. *Pulteney* replied,

Sir; There is a term made use of in the Exchequer, called *nichil*, which term has been sometimes made use of by the gentleman who spoke last, and has often been given as an answer to this House, when accounts of the produce of some certain branches of the revenue have been called for. Now, as to the present affair, it may be that there has not as yet been any thing done, or at least not brought to maturity, and formed into such a shape, as to be proper to be laid before this House: this, I say, may be the case, though I must say it is a little surprizing, that in so long a time there should have been nothing done; however, supposing that it is the case, yet his Majesty may give us this Exchequer term for answer; he may tell us that there has not as yet been any thing done: it is from his Majesty only, that this House can properly have an answer; even such an answer we are not to take from any member of this House, or from any subject whatsoever. And as the presenting of such an Address to his Majesty, will shew our constituents that we are careful of the affairs of the nation, and have a concern for the merchants, who have been so great sufferers by the depredations committed by the Spaniards; therefore I am for agreeing with the motion.

Mr. Pulteney was backed by

Sir *Thomas Aston*, as follows:

Sir; if in all this time there has been nothing done by those commissaries, I am much afraid that this affair may be spun out to a very great length. I do not know but that it may last as long as the gentlemen who are employed as our commissaries may live; for as they have thereby a good salary from, and all their charges borne by their country, they may not perhaps be too hasty in concluding the affairs referred to them, and thereby putting an end to the beneficial post they enjoy; and on the other hand it is to be presumed, that the Spaniards will make use of all the excuses they can invent, for delaying their making that reparation, which in justice they ought to do, and which we are engaged in honour to insist on. It is therefore our duty, as members of this House, to desire from time to time to know what is doing in an affair, in which both the interest and the honour of the nation is so much concerned, in order to prevent all unnecessary delays, and to satisfy the world that this nation does not tamely put up such injuries.

Mr. *Conduit* * replied to sir Thomas Aston:

Sir; I find there is a very great mistake in prejudice to the worthy gentlemen our commissaries in Spain: I must do them the justice to declare, that to my knowledge they very much despise the salaries they have from the public, and are pushing as much as possible the accommodation of all the affairs referred to them, in order that they may return home to look after their private affairs. I am very sure that there is not one of those gentlemen, who, for the sake of the salary would have gone out of the kingdom, or who would stay one month in Spain, or any where, for the sake of enjoying so trifling

* Master-worker of the Mint.

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a benefit. It was the hopes only of being serviceable to their country, that prevailed on any of them to go thither, and they are doing as much as lies in their power to render their service as beneficial as possible to their country; the sooner that affair is brought to a conclusion, the more beneficial will their service certainly be. This I know to be the case as to the gentlemen that are employed, but if it were otherwise, his Majesty could certainly take care, that no unnecessary delays should be allowed in an affair of such consequence, and certainly will lay before this House an account of all the proceedings in that affair as soon as it can be conveniently done; and therefore I must be of opinion, that there is no occasion for our presenting any such Address as has been moved for.

Mr. *Pulteney* answered,

Sir; We may always depend on it, that his Majesty will take all possible care of this, as well as of every other affair that regards the honour or the happiness of the nation; but in all affairs his Majesty must employ others under him, he must necessarily employ ministers and other inferior agents, to transact and manage the public affairs of the nation; and as they may be dilatory or negligent, therefore it is the duty, and has always been the practice of this House, to enquire into the management of affairs of great consequence. In the present case I am for the Address proposed, because it will be a spur to the ministers, to procure as speedy and as ample a satisfaction to our injured merchants, as they can possibly get. Our having taken notice, in the last session of Parliament, of the Spanish depredations, procured, I believe, those commissions and instructions, which were last summer sent to his Majesty's ships of war in the West Indies: that, I believe, was the chief cause of sending some of our ships to the Spanish coast to demand satisfaction for English merchant ships, which they had violently taken, and unjustly confiscated. One of these captains did accordingly, in pursuance of the instructions he had received, send his boat with his lieutenant and some of his sailors on shore, to demand the satisfaction proposed: but the Spaniards were so far from complying with so just a demand, that they added a new affront, by making the lieutenant and the men prisoners; whereupon he like a brave, honest, downright English captain, did what he ought to do, he seized the first Spanish ship he could meet with; but I have been since informed, that this Spanish ship has been restored, though the English ship has neither been restored, nor have the owners met with any satisfaction for the damage and loss they have sustained. How this came about, how we came to restore this ship to them, before they had agreed to release our ship, is more than I know, or can comprehend; for as they had done the first injury, they ought, in my opinion, to have been obliged to have made the first reparation. As to the gentlemen that are employed as our commissaries in Spain, I do not know whether they despise their salaries or not, but I am sure, if they continue as long in Spain as one gentleman seems apprehensive they may, it will verify what I have said in this House in relation to those affairs, that it would have been better for the nation, and more to the satisfaction of the sufferers, to have given up the affair at first, and to have given the sum of money, which such commission might have cost the public, to be divided among our merchants, who had been robbed and plundered by the Spaniards; for even as it is, I am afraid that if the charges which that commission has already, and will stand the public in, were to be deducted from the sum, which we may recover from the Spaniards by way of reparation, there will very little remain to be divided among the sufferers.

Sir *Robert Walpole* observed, That wherever that honourable gentleman got his information, in relation to the restitution of the Spanish ship he made mention of, to his knowledge it was erroneous, for that at the same time orders were sent from hence for releasing the Spanish ship, orders were in like manner sent from the court of Spain, for releasing and restoring the English ship and cargo, which they had before taken; and that her not being restored was no neglect either at this or the Spanish court, but owing to the excuses and delays of his Catholic Majesty's governors in the West Indies; who, notwithstanding express orders from their court for delivering up the ship and cargo, had found some new pretences for delaying it.

Mr. *Plumer* replied, That if the case was, as the honourable gentleman who spoke last was pleased to assure them, he could not but with pleasure observe, that if ever a war should happen between Spain and us, we must certainly get the better of them; for that our governors and officers in the West Indies are, it seemed, most punctual and exact in observing and obeying the orders and instructions received from hence, even though they may be perhaps not much to their own private liking; whereas on the other hand it appeared, that his Catholic majesty's governors and officers in those parts had but little regard to the express orders they received from him; that King, it seemed, having no authority over his own officers; and consequently in case of a war between us, we should have a very considerable advantage over that nation.

At last, the question being put on sir Wilfrid Lawson's motion, it was agreed to without any division; and the Address was accordingly presented.

Feb. 16. Sir Conyers D'Arcey* reported his Majesty's Answer to the said Address, viz. "That although by the Treaty of Seville, the commissaries on the part of Great Britain and Spain were to meet within four months after the exchange of the ratification of that Treaty, and their commissions to continue for three

* Comptroller of his Majesty's household.

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years from the date of the said Treaty; and although his Majesty's commissaries were appointed on the 2nd of April 1730, yet by several unforeseen accidents, the meeting of the commissaries in Spain was so long delayed, that the first conferences were not opened till the 23rd of February 1732, N. S. And that as so much time was elapsed before the opening of their commissions, it has been since agreed between the two crowns, that the three years for finishing the commission of the said commissaries, shall be computed from their first meeting on the 23rd of Feb. last; which makes it impracticable for his Majesty to give the proper orders, for laying a perfect account before this House, of what is desired in their Address."

The Debate in the Commons on the Trade of the Sugar Colonies.] Feb. 21. The House resolved itself into a committee of the whole House, to consider of the state of the Trade of his Majesty's Sugar-colonies in America; and Mr. Winnington moved a Resolution, "That no Sugar, Paneels, Syrups, or Molasses, nor any Rum or Spirits, except of the growth or manufacture of his Majesty's Sugar-colonies in America, should be imported into Ireland, but from Great Britain only." This motion was opposed by

Mr. *Carey*,* who said, That he would with all his heart join in any proper measures, that could be proposed, for encouraging our Sugar-Colonies, but he could not agree to the altering the laws as they then stood, with respect to the importation into Ireland: that the allowing of rum to be imported directly into Ireland from any of our colonies in the West-Indies, was with design to discourage as much as possible the consumption of French brandies in that kingdom; which design would be entirely overthrown by the resolution proposed, if any new law should now be made in pursuance thereof; for if it should be made necessary to bring rum to, and enter it in England, before it could be carried to Ireland, it would very much enhance the price of that commodity, by which the consumption thereof would be discouraged and diminished, and the consumption of French brandies would consequently be increased: That he thought it was unreasonable to lay such a restriction on the trade to Ireland, because that kingdom was a part of our own dominions, and contributed very considerably to the riches and power of England: That besides, if a law should be made in the terms of the resolution proposed, it would probably embroil us with some of our neighbours: That he did not know but the French would look upon it as a breach of that article of the Treaty of Utrecht, by which it was stipulated, that the trade between France and us should remain on the same footing it was on at that time: That the Portuguese would certainly look on it as a breach of the treaties of peace and commerce subsisting between us and them, because, by such a law the importation of Portugal sugars directly into Ireland would be expressly prohibited. He was answered by

Mr. *Scrope**, who said in support of the motion, That as to the enhancing of the price of rum in Ireland, and thereby discouraging the consumption thereof in that kingdom, there was no such consequence could ensue from the resolution proposed, or from any law that could be made in pursuance thereof, because there might still be as much rum, as was requisite for the consumption in that kingdom, imported directly thither from our own sugar-colonies in America; what was proposed by the resolution moved for, was only to prohibit the direct importation of any of the commodities mentioned therein, from any of the other colonies in America, and we had very good reason for making such a prohibition, because it appeared that what was imported directly into Ireland from the other colonies, was generally the produce of the foreign sugar-colonies in that part of the world, whereby the trade of those colonies was very much encouraged and improved, to the ruin of our own sugar-colonies in America: That though we were to look upon Ireland as a part of our own dominions, yet we ought not to allow them to encroach upon any branch of the trade of England: It was very well known that they were always endeavouring to encroach upon our trade; and if we did not take care to keep that country under the yoke, they might in time grow so rich as to be able to throw it off, which they would perhaps willingly do, if ever it should happen to be in their power: That as to Portugal, some words might be put in, or some proviso added, for obviating any exception that might be taken by them.

Mr. *Doddington* said, That he was sorry to differ from his honourable friend that sat by him, but that he had always looked on prohibitions in trade as of dangerous consequence, and that therefore no prohibitions ought ever to be laid on it, but such as are in their own nature absolutely necessary: That we had no reason to be jealous of Ireland, or to lay them under any restraints and prohibitions; that country had always appeared loyal and zealous for his Majesty, and for the present royal family; they had generally behaved as good subjects, at least for many years last past; and he believed the best way to keep them so, was to give them all proper encouragement, and to shun as much as possible the laying them under any particular restraints or disadvantages; That he looked on that kingdom in a different light

* Clerk of the Council, and Secretary to the lord-lieutenant of Ireland.

* "Mr. Scrope was then Secretary to the Treasury, and was perhaps the coolest, the most experienced, faithful, and sagacious friend the minister had. He was greatly trusted in all matters of the revenue, and seldom or never spoke but to facts, and when he was clear in his point." Tindal.

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from what some other gentlemen seemed to view it in; the people thereof he always considered as a part of ourselves, and he hoped they, or at the least the most of them, never did, nor ever would look upon themselves as being under any yoke, but that of the government, and the laws of their native country.

Mr. *Horatio Walpole* observed next, That as to what was proposed by the regulation moved for, he could perceive nothing therein contrary to the treaties of peace and commerce subsisting with foreign powers; it was a regulation of trade only within our own dominions, and had no relation to that of our neighbours: That if we were to prohibit the importation of any one of their commodities into any part of the British dominions, they might perhaps have reason to take it amiss: they might say, that such a prohibition was an infringement of some of the stipulations subsisting between us; but what was now proposed, was not a general prohibition, it was only the appointing of such particular places within our own dominions for the importation of such commodities, and prohibiting the importing of them at some other places: That as this regarded only our trade among ourselves, no foreign power could take any just exceptions thereto; but however, since there was no design of prohibiting the importation of French spirits, or Portugal sugars, directly into Ireland, therefore he would propose an Amendment, and that the Resolutions should be in the terms following, "That no sugar, paneels, syrups, or molasses, of the growth, product, or manufacture of any of the colonies or plantations in America; nor any rum or spirits of America, except of the growth or manufacture of his Majesty's sugar-colonies there, be imported into Ireland, but from Great Britain only."

The Resolution being thus amended, it was agreed to without any division; and then Mr. Winnington stood up again, and moved, "That a duty of 4*s.* per hundred weight, sterling money, be laid on all foreign sugars and paneels, imported into any of his Majesty's colonies or plantations in America." This was agreed to without any opposition.

Then colonel Bladen made the two following motions, viz. 1. "That a duty of 6*d.* per gallon, sterling money, be laid on all foreign molasses and syrups imported into any of his Majesty's colonies or plantations in America: And 2. That a duty of 9*d.* per gallon, sterling money, be laid on all foreign rum imported into any of his Majesty's colonies or plantations in America." Hereupon,

Sir *John Barnard*, in opposition thereto, said, "That as the trade then stood between our northern colonies and the French sugar islands, it appeared, that our colonies bought molasses of them at a very low price, and distilled them into rum, by which they provided themselves at a small charge with the rum that was necessary for them in their trade with the Indians, and in their fishing trade; they had, it was true, most of the materials for making this rum from the French; but then the manufacture was all their own, and thereby a great many of our subjects in that part of the world were employed and maintained: That by laying such an high duty on French molasses, we should lay them under a necessity of manufacturing it themselves; so that our subjects would lose all that employment, and instead of buying molasses in their natural dress from the French, as they did formerly, they would be obliged to purchase the same molasses manufactured into rum, whereby the French sugar islands would take of them at least three times the money they took formerly: That as molasses was a bulky commodity, it would not be easy to run them into any of our northern colonies, so that the French would be laid under an absolutely necessity of manufacturing them into rum, and when manufactured into rum, it would be easy to carry that rum, and sell it in a smuggling way to our fishing vessels at sea, and even to run it into every one of our colonies on the continent of America: That the sea-coasts belonging to us in that part of the world were of such a vast extent, and so many little harbours and creeks to be every where met with, the roads so little frequented, and the towns so open, that it would be impossible to prevent the running of French rum on shore, or the conveying it from one town to another after it is landed. No, not even if we should send thither the whole army of Excise officers which we have here at home; the sending them thither, might indeed, add a good deal to our happiness in this country, but all of them together could be of no service for such a purpose in that country: That as to the laying a duty both on foreign rum and molasses, he would not be altogether against it, but then it ought to be only a small duty, for the sake of giving an advantage to our own sugar colonies in that respect, not such an high duty as was in a manner equal to a prohibition; for that was really granting a monopoly to our sugar islands, with respect to a commodity that is absolutely necessary for our northern colonies, both in their fishing trade and in their trade with the native Indians; and as the French were our rivals likewise in both those trades, we were about giving them a certain advantage as to these trades, and that without doing them any harm as to their sugar-trade; for if they sold sugar and rum cheaper than our colonies did, they would have vend enough for all they could make; they would have a stolen market for it in the British dominions, and an open market in all other parts of the world.

Colonel *Bladen* answered, That he had often heard our army of excise-officers set in a very terrible light, and represented as of the most dangerous consequence to the liberties of the nation, but now he heard it urged that this whole army would not be able to reduce our northern-colonies; and he was sure, if they were not, there was no fear of their being able to reduce this nation: but without sending any of that army to America, he hoped there would

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be no such thing as smuggling in that part of the world; it was to prevent such a pernicious practice, that he proposed only laying a duty on foreign rum; he did not propose a prohibition, and the duty he had proposed was no higher, than what was absolutely necessary for putting our own sugar-islands on an equal foot with the French.

Sir *John Barnard* replied, That he had said, that our whole army of excisemen would not be able to prevent the running of French rum in that country; he did not talk of reducing the country, he had not so much as mentioned the word, but he believed it would be much easier to reduce the country, than to prevent the running of French rum in it, in case what was then proposed should take effect: that if the gentleman really meant to prevent running, he was very unfortunate in what he had proposed, for he had proposed the only method that could be thought on, for setting up and encouraging the smuggling-trade; which was that of laying on a high duty, equal to, if not above, the first price of the commodity upon which it was laid. Then the question being put, the three foregoing motions were severally agreed to without any division.

After this, the two following Motions were agreed to without any opposition, 1. "That all the Duties charged on the importation of all sugars and paneels of the growth, product and manufacture of his Majesty's Colonies and Plantations in America, into Great Britain, be drawn back on exportation of the same." 2. "That a drawback or allowance of 2*s*. per hundred weight on all sugars, refined in and exported from Great Britain, be paid on the exportation thereof, over and above all drawbacks or bounties now payable thereon." This last resolution was seconded by

Sir *John Barnard*, who said, That he would agree to that as well as the other resolution with all his heart, for that the two last were the only resolutions they had come to, which, in his opinion, would be of any real use to our sugar-colonies; and particularly the last resolution he was glad to see moved, because he hoped it would make them think of some other things relating to our trade, which stood in need of some such redress from Parliament: that there were several foreign materials imported into this kingdom, liable to duties on importation, which duties were drawn back, if the materials were again exported in the same shape; but if manufactured and made more valuable by the labour of our own people, neither the merchant nor the manufacturer could draw back the duties, even though they should afterwards export the same, and could shew that this manufacture was made of materials that had paid a duty on importation; and would have had a drawback on exportation, if they had been carried out rough as they were brought in: that this was a scandalous oversight when these duties were first imposed, but it was much more scandalous that in so long a time this oversight had never been amended: that there were several examples of this oversight could be given, but he would then only mention the duties on foreign hemp, flax, cordage, &c. which were drawn back if the goods should be exported in the same condition they were imported: but if these very goods should, by the labour and industry of our own people, be manufactured into cables, ropes, and other tackle for shipping, and then exported, the exporter could not have any drawback: that this was a great loss to that branch of our trade, which was a very considerable branch, but would be much more considerable if it were not for this hardship it laboured under.

These Resolutions being all agreed to, a Bill was ordered to be brought in pursuant thereto, which afterwards passed into a law.

The Pension-Bill passes the Commons, and is again lost in the House of Lords.] The same day, the Pension Bill was read the third time and passed; and Mr. Sandys was ordered to carry it up to the Lords, where it met with the same fate as in the two last sessions.

Debate on Sir R. Walpole's Motion for issuing 500,000l. out of the Sinking-Fund, for the service of the year 1733.] Feb. 23. The House resolv'd itself into a Committee of the whole House, to consider farther of ways and means for raising the supply; the Account of the money then remaining in the Exchequer, and of the produce of the Sinking-Fund disposable by Parliament, having with others been referred to the said Committee,

Sir *Robert Walpole* stood up, and spoke as follows;

Sir;

In the last session of parliament, this House came to a Resolution, which, in my opinion, was a good and most reasonable resolution; and that was to ease the landed interest of one shilling in the pound upon the Land-tax, by granting in lieu thereof, a duty on Salt for three years. By this the landed interest, which has for so many years borne so great a share of the public expence, has in this last year found a most sensible ease; and if any method can be fallen on for continuing this ease to them, such method ought certainly to be followed. As I had, last session of parliament, the honour of moving for that Resolution, the approbation I then met with encourages me now to offer to your consideration another motion,* which I hope will be equally agreeable, and that is, that it may be resolved, "That it is the opinion of "this Committee, that towards raising the "Supply granted to his Majesty, there be issued

* "The sixth session of the third Septennial parliament, which opened on the 17th of January 1733, is distinguished by two measures of sir Robert Walpole; of which the first, to take half a million from the Sinking Fund, though contrary to the national interest, was carried by a large majority; and the second, which was the Excise Scheme, though evidently calculated for the advantage of the

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"and applied the sum of 500,000*l.* out of "such monies as have arisen from the Sur- "plusses, Excesses, or overplus money, com- "monly called the Sinking-Fund, over and "above what hath been applied to the pay- "ment of one million, towards discharging the "national debt, pursuant to an act of the last "session of parliament." This motion, I hope, will meet with the approbation of this House; for it has always been my opinion, and I believe it will be granted by every man, that the public expence ought always to be raised according to that method, which is the least burthensome to the people: by this method we shall provide for a great part of the current service of the year, without laying any burthen whatever on the people, and without doing injustice to any man, or to any set of men: The case of the creditors of the public is now very much altered from what it was; the competition among them is not now which of them shall be first paid, but which of them shall be the last to be paid; and therefore gentlemen need not now apprehend, that any of the public creditors will look upon the House's agreeing to this motion as an injustice done them, or as any hardship put upon them; on the contrary, they will look upon it as a favour, and would be glad that a much larger part of that fund were to be applied in the same manner. This motion ought the rather to be agreed to, more especially by those who have a regard for the landed-interest, because we can thereby continue to the landed-gentlemen that ease which we granted them last year; whereas if

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country, met with such violent opposition, as induced the minister to relinquish it.

"When the House of Commons passed an act for the establishment of a fund for applying the surplusses of duties and revenues to the liquidation of the National Debt, called in subsequent acts the Sinking Fund, the words to appropriate them to that purpose were as strong as could be found, 'to and for none 'other use, intent, or purpose whatsoever.'

"During the whole reign of George the First it was invariably appropriated to its original purposes, and rather than encroach upon it, money was borrowed upon new taxes, when the supplies in general might have been raised, by dedicating the surplusses of the old taxes to the current services of the year. Even in the infancy of the establishment, when its operations were necessarily very confined, great advantages were derived even from this small surplus; the national interest was immediately reduced from 6 to 5 per cent.; 750,000*l.* in old exchequer bills were paid off in 1719: and it appeared, by the report of the House of Commons, that from 1717 to 1728, it had discharged 2,698,416*l.* and that its average amount was 1,200,000*l.*

"It no sooner attained this progressive power, than its operations were suspended. Between 1727 and 1733, several encroachments were made, either by alienating the taxes which yielded the surplusses, or by charging the interest of several loans upon the surplusses appropriated to the payment of the debt. But although this measure was in effect the same as depriving it of gross sums (there being no difference between taking the annual interest of a sum, and that sum itself) yet as these encroachments were not literally direct invasions of the fund, they seem to have met with little opposition.

"However, in 1733 an open attack was made. Half a million being voted for the service of the ensuing year, the minister proposed to take that sum from the Sinking Fund, and by that means to continue the Land tax at one shilling in the pound; adding, that if this motion should be objected to, he should move for a Land Tax of two shillings in the pound, there being no other means of providing for the current expences.

"This motion justly occasioned a long and violent debate, and the strength of the argument undoubtedly lay on the side of opposition. The whole substance of the reasons, which the minister could urge in defence of this violation of his own principles, was the necessity of giving ease to the landed interest, and the dread of the public creditors to have their debts discharged. On this occasion he advanced this remarkable position, that the situation of the country, and the case of the public creditors was altered so much since the establishment of the Sinking Fund, that the competition among them was not who should be the first, but who should be the last to be paid, an assertion, which none of the opposition ventured to contradict, and therefore may be considered as true. He also added, that although the Sinking Fund was established for the payment of the debts, yet it was still subject to the disposal of parliament; and whenever it appeared, that it could be more properly and beneficially applied to some other use, the legislature had a power, and ought to dispose of it in that manner.

"On the other side, the opposition argued, that the sacred deposit for discharging the debts and abolishing the taxes, ought not to be applied to any use, except in cases of extreme necessity, which were not now apparent; that the assenting to the motion was in fact robbing posterity of 500,000*l.* and the progressive interest of that sum, for a trifling ease to themselves. They reminded him of his inconsistency, in destroying his own darling project, and undermining the boasted monument of his own glory; and sir John Barnard emphatically urged, 'that the author of such an expedient must expect the curses of posterity.'

"These arguments, however, did not affect the decision of the House of Commons. The influence of the minister, aided by the co-operation of the landed, monied, and popular interests, triumphed over opposition; and the motion was carried by a majority of 110 voices; 245 against 135." Coxe's Walpole.

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this motion shall appear not to be agreeable to the Committee, then I, or some other member of this House, must move for a Land-Tax of two shillings in the pound, there not being, so far as I know, any other way or means left of providing for the current service of the year."

Mr. *William Pulteney* hereupon made the following speech:

Sir;

Though I was aware of the motion now made by the honourable gentleman sitting near me,* yet I was in hopes that what he has now moved for, was not all he was to open this day to the Committee we are now in; and therefore I shall conclude with a motion of a different kind from what the gentleman has been pleased to make to us. But, Sir, there is another thing, a very terrible affair impending! A monstrous project! Yea, more monstrous than has ever yet been represented! It is such a project, as has struck terror into the minds of most gentlemen within this House, and into the minds of all men without doors, who have any regard to the happiness or the constitution of their country, I mean, Sir, that monster, the Excise! That plan of arbitrary power, which is expected to be laid before this House in the present sessions of parliament. This, I say, is expected, and therefore I am for having the whole of that gentleman's designs laid before this Committee at once, and a sufficient time given for us to consider the whole, before we come to a resolution on any part.

Of late years gentlemen have been led, I do not know how, into a new method of proceeding in parliament, a method very different from what our ancestors did always observe. In former times, the general or particular grievances were first examined, considered, and redressed in parliament, before they entered upon the granting of any supplies; but lately we have been led into a method of granting all the money necessary for the public service, among the first things we do. The malt-tax bill, the land-tax bill, and such bills, are now in every session the first things that appear upon the Journals of this House; and when these things are finished, the gentlemen in the administration generally look on the whole business of the session to be over. If this House should then enter upon any disagreeable inquiries into grievances, we might then perhaps be told, that the season was too far spent; that it was necessary for gentlemen to return home to mind their private affairs; we might probably be obliged to defer to another session, what the welfare of this nation required to be determined in the present. I hope gentlemen will consider this, and that they will again begin to follow the wise method observed by our ancestors, and keep some security in our own hands for our sitting, till we have heard and redressed all the grievances of our fellow-subjects. There are several things which we ought to examine into, before this session shall be concluded. Does not every gentleman know? Does not every gentleman expect that there is an application to be made to us from the South-Sea Company? That Company has now made choice of a set of honest proprietors to be the directors of their affairs; they are enquiring into the state of that Company's affairs, and they must inquire into the management of their affairs for some time past: In both these they will stand in need of a parliamentary relief, and in both it ought to be granted them.

The honourable gentleman addresses himself in a very particular manner to the landed interest; I hope every gentleman in this House has a regard for the landed interest; but I hope the landed gentlemen of this House are not to be bullied into any ministerial jobs, by telling them, that if they do not agree to such a motion, a land tax of two shillings in the pound must be moved for. I hope, Sir, the landed gentlemen will never be induced to consent to any thing that may undo the nation, and overturn the constitution for so small a bribe, so trifling a consideration, as that of being free from the payment of one shilling in the pound land-tax, and for one year only. The landed gentlemen of this nation have often ventured their all in their country's cause; and it is an indignity offered to them, to imagine, that paying or not paying such a trifle as one shilling in the pound land-tax, will be of any weight with them, when it comes in competition with the welfare and happiness of their country.

The Sinking-Fund, that sacred deposit for extinguishing the debts and abolishing the taxes, which lie so heavy on the trade and the people of this nation, ought never to be touched; no consideration whatever ought to prevail with us to convert that fund to any use, but that for which it was originally designed. It has of late been too often robbed; I beg pardon, sir, robbing is a harsh word, I will not say robbed; but I must say, that upon several occasions there have been considerable sums snipped away from it: upon the demise of his late Majesty, a large sum was taken from the Sinking-Fund, and applied to the civil list: by the taking off the salt-duty, another large yearly sum was taken away from that fund; and the people are now again charged with that duty, but no restitution has been made to the sinking-fund. Thus, Sir, there has been already a very large sum taken from it at several times, and now it is proposed to snip off it 500,000*l.* at once. At this rate, the people of this nation must for ever groan under the load of taxes they are now subject to; and our trade, as long as we have any left, must labour under the difficulties and discouragements it is now exposed to. Is this consistent with the welfare or happiness of the nation? Is this the method by which the landed gentlemen are to be eased of one shilling in the pound land-tax?

The honourable gentleman has been called, and once had the vanity to call himself, the

* Mr. Pulteney always, though in opposition, sat upon the Treasury Bench.

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father of the sinking-fund; but if Solomon's judgment was right, he who is thus for splitting and dividing the child can never be deemed to be the true father. He may claim, and I shall allow him the honour of being the father of two other children lately brought forth in this nation, a Standing-army, and an Excise; but as for the Sinking-Fund, he seems now to renounce all pretences of being the father thereof. I shall not now enter farther into the merits of the motion that the honourable gentleman has been pleased to make, because I hope a proper time will be allowed for gentlemen to consider of a question of so great consequence; and therefore I shall conclude with a motion for the chairman to leave the chair. Hereupon

Sir *Robert Walpole* stood up again, and made the following reply:

Sir; As for the gentleman's saying, that I had once the vanity of calling myself the father of the Sinking-Fund, I must say, that whether I was vain of being thought so or no, I remember a time when the establishing that fund was treated as a monstrous project, and then I was obliged to father it; but no sooner was it found out to be a good and a right thing, and a project that was both feasible and agreeable to the interest of this nation, but other gentlemen endeavoured to rob the real father, whoever he was, of the glory of being the father of that child. As for the other monstrous project so much talked of, which some gentlemen now endeavour or shew in so terrible a light, I doubt not but that in a little time it will appear in a quite different shape to the impartial and unprejudiced part of the nation: Let it be what it will, I am resolved to propose it; and if I have but a very little time, I shall lay it before you for your consideration: I have no doubt, but that upon a thorough examination, it will be found to be for the general interest of the nation, and for the advantage of every fair trader in particular; and this I am so much convinced of, that I believe I may live to have it told me, that I was not the father of it, but that other people had thought of it before me. I never as yet was inclined to do that which I thought was ill; I am afraid of doing so; but I never shall be afraid of doing well; I never shall be afraid of doing good, either to my country, or to private men, so far as is consistent with the interest of my country. As for the sums which have been taken from the sinking fund, and added to the civil list, they were not taken from it by me, they were taken from it by the authority of this House; I was only one of those who consented to it; and particularly as to the sum which was taken from the sinking fund upon the demise of the late king, and given to the civil list, the honourable gentleman who sits near me, agreed to it as well as I did; both of us did agree to it, but our motives for agreeing were perhaps very different,

The sinking fund was established for the payment of the debts of the nation, but still it was left subject to the disposal of parliament; if upon any occasion it shall appear that a part of it may be more properly applied to some other use, the legislature has certainly a power to apply it in that manner, which they shall judge to be most for the public good, and for the interest of the nation in general. This is the proper question now under our consideration: we are now to determine, whether the sum of 500,000*l.* shall be applied this year towards the ease of the landed interest, where it is very much wanted, where it is absolutely necessary to give some relief; or if the whole shall be this year applied towards the payment of the public creditors, who stand in no need of such payment, who do not so much as wish or desire it. This is the plain state of the question; and I could hardly have expected that this would have stood a debate.

Sir *John Barnard* spoke next.

Sir, As to the project, which the honourable gentleman on the floor seems to be afraid of being robbed of the glory of, I believe he may be very easy in that respect; for whatever he has met with in other cases, he need not be under any apprehensions as to this; for my part, I am so far from believing that, when it appears in public, it will procure either honour or glory to the first projector, whoever he be, that I am firmly convinced it will turn out to his eternal shame and dishonour; and that the more the project is examined, and the consequences thereof considered, the more the projector will be hated and despised.

But as to the question now before us, it affords me a most melancholy consideration; I own that the landed interest, as well as every other interest stands very much in need of relief; I allow that, by what the gentleman now proposes, the landed interest may meet with some immediate ease; and I will likewise easily grant, that it may, in our present circumstances, be agreeable to the creditors of the public; but while I have the honour to be a member of this House, I am not to consider the immediate ease of the landed interest in particular, nor the present pleasure of the public creditors; I am to consider the welfare of the nation in general, both as to the present and as to future times; and as I am convinced that what is now proposed will, in the long run, be contrary to the interest of the nation in general, I therefore must give my dissent thereto.

In all affairs which come before this House, we are to have a due regard to posterity; we are in honour and in duty bound to consider the future happiness of the nation, as well as the present; and the question now before us is, whether we shall give a present ease to the landed-interest of one shilling in the pound land tax, by unjustly loading our posterity with the payment of 500,000*l.* and the interest thereof from this present year? Or, whether we shall continue to pay the one shilling in the pound land tax, and thereby free the nation of a debt of 500,000*l.* and ourselves and our posterity of a new debt of 20,000*l.* which must be yearly

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incurred by this nation, for the payment of the interest upon that debt, till the principal sum be satisfied and paid. This is the question before us, and every man who has a regard to posterity or to the future happiness of his native country, must easily determine what side he is to take: this is the light it ought to be considered in; and whoever considers it in this light, must conclude, that what is proposed is robbing our posterity of 500,000*l.* and the growing interest thereof, for the sake of a trifling present ease to ourselves. If the landed-interest, or any interest, could be relieved by reducing the public expence, it would redound to the glory of him who had the honour of being the author thereof; but to ease ourselves by loading our posterity, is a poor temporary expedient of short-sighted or self-interested politicians; and the author of such an expedient must expect the curses of posterity, and can never expect present thanks from any, but such as are as short-sighted or as self-interested as himself.

I hope I shall not now be taxed with affecting popularity, or with speaking provincially, or as a member for the city of London, as I have often been upon other occasions; for as to the present question, I consider it entirely in a national view. As a member of this House, I shall always look upon myself as one of the representatives of the people of Great Britain, and I hope every gentleman, who has the honour of being a member of this House, will always do the same. I hope it will never be in the power of any man, to make the landed-interest range themselves in opposition to the trading interest of this nation; but if ever such a wicked design should take effect, if the members of this House should ever be brought to talk and to vote provincially, or as members for cities or boroughs, or members for counties; if the former were to join together against the latter, it is easy to determine on which side the majority would be. The honourable gentleman who made the motion, now seems to aim at the affectation of popularity among the landed gentlemen of this kingdom; this I am really surprised at, considering how often he has taxed me, and other members of this House, with the affectation of popularity, as a most heinous crime.

The creditors of the public are, perhaps, at present unwilling to be paid off, because they have a greater interest for their money from the public, than they can have any where else; this is one reason, but not the principal reason for it; for the chief reason is, the method and manner of paying them. If a considerable part of their debts were to be paid at once, and a reasonable notice given to them of such payments being to be made, they could then make such an arrangement of their affairs, as to dispose of their money to as good an advantage for themselves, and much more to the advantage of the trade of this nation: but in the present method of paying them, the payments are so small, and the warning so short, that many of them do not well know how to dispose of the small sums they receive, and therefore they are unwilling to receive any in that manner: however, let their inclinations be how they please, it is certainly the interest of the nation to have them all paid off, the sooner it is done, the happier it will be for the nation; and therefore no part of what is appropriated to their payment ought to be converted to any other use: their unwillingness to receive payment, is so far from being an argument against paying them, that on the contrary it shews that they have a better bargain from the public, than they can in the same way have from any other person; and therefore if it were possible to borrow money at a lower interest, if it were possible to add to the Sinking Fund, the public ought certainly to do it, in order to pay off those who are now creditors of the public at so high a yearly interest.

I hope it will be thought that I am sincere in what I say, since I am in every respect talking against my own private interest; I have a part of my estate in land, otherwise I could not have a seat in this House; and as a landholder, I ought, if I considered my own private interest, to be for the reducing of the land tax. I have another part of my estate in the public funds; and consequently I ought to be as fond as other men of not being paid off, and of having as high an interest as I can possibly get from the public; and the remaining part of my estate I have in trade, as to which also I speak against my own interest; for as a trader I ought to be against the paying off of the public funds, because the interest of money will be thereby reduced. Though it may seem a paradox, yet it is certain, that the higher the interest of money is in any country, the greater profit the private trader will always make; for in a country where the interest of money is high, the traders will be but few, the general stock in trade will be but small, but every man, who is a trader, must make a great profit of what money he has in trade.

Mr. *Danvers*, member for Bramber, stood up in behalf of the motion made by sir Robert Walpole, and said, That he was so far from seeing the least inconvenience in what that honourable member had proposed; that considering how little occasion there was for paying off any of the public debts, he was surprised at his modesty in asking so little from the Sinking Fund; that had he asked the whole, it would have been but reasonable to have given it, since it is for the support of a government, under which we enjoy so many blessings: that the landed gentlemen bore the greatest share of the late war, by which all those funds were created, out of which the plumb-men of the city of London have made most of their estates: that the landed interest having thus laboured long under the greatest distress, they ought to embrace every opportunity to give it some relief.

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Sir *William Wyndham* * spoke against the motion:

Sir,

Though I have the honour to sit in this House as a knight of a shire, yet I look on myself as one of the representatives of the whole body of the people of England; and therefore I shall never endeavour to find out a distinc-

* "Sir William Wyndham was then in the vigour of his intellects, and a very extraordinary man he was. When very young, he gave but few indications of the great character to which he afterwards arrived in speaking; and it is not too bold to say, that since the days of Charles I. no man in that House, at that time, had equalled him in eloquence. He had always great meaning in what he spoke, but as he was always very full of argument, he sometimes launched so far into digression, that he has been known to ask pardon of the House, and fairly to own, that he had forgot the point to which he was speaking. He then sat down, and so great was the indulgence of the House, that upon recollecting himself, he was heard with pleasure when he rose up again, and resumed his subject. When he spoke coolly, he was ungraceful; for, with all the eloquence of Demosthenes, he had some of his imperfections, particularly that of a stammering in his speech; but when he had got the better of his natural phlegm, by being a little heated in the argument, he exerted wonderful powers of eloquence.

"As to his political character, he has been greatly misrepresented. Queen Anne interested herself in his education; and when he was very young, he undoubtedly fell into company, and imbibed principles, very unfavourable to the present establishment. Reading and reflection, however, rectified his judgment, and indeed his heart; for though he could never get the better of his personal prejudice against the minister, yet it is certain at the time we are now treating of, he had as great a contempt for jacobitism, and was as truly constitutional in his principles, as any subject the King had. It is to be lamented, that on account of his former engagements, the ministry had conceived equal prejudice against him; so that his great talents, his experience, and thorough knowledge of the constitution, were of more use to the opposition, than they were of service to his country." Tindal.

"Sir William Wyndham was descended from an ancient family of that name, which seems to have taken its surname from Wymondham, or Wyndham in Norfolk, and which afterwards settled at Felbrigge in the same county. By the marriage of sir John Wyndham in the reign of Edward the sixth, with the daughter of John Sydenham of Orchard, the elder line was established at Orchard, hence called Orchard Wyndham, in the county of Somerset. Sir William Wyndham, the person under consideration, was lineally descended from this line. He was born in 1686, and on the death of his father sir Edward, succeeded to the title of baronet, to a very considerable estate, and to the distinction and influence which his family had possessed in the western counties of England. He increased his consequence by espousing in 1708, lady Catherine Seymour, second daughter of Charles, duke of Somerset. Born of a tory family, and imbued from his early infancy with notions of divine and indefeasible right, he was adverse to the interruption of the lineal descent, and uniformly opposed the establishment of the succession in the house of Brunswick. In the reign of queen Anne, he was brought forwards into public employment at a very early age by his friend Bolingbroke, with whom he lived in habits of the strictest intimacy, and by whose brilliant talents he was seduced into similar excesses of pleasure and gallantry. Under the administration of Harley, he was made successively master of the buck hounds, secretary at war, and chancellor of the exchequer. His principles in favour of the restoration of the Stuarts were so well known, that on the accession of George the first, he had no official employment, and in 1715, he was imprisoned in the Tower, until the conclusion of the rebellion. In July 1716, he was released under the bail of the dukes of Somerset and Richmond, the earls of Rochester and Thomond, and lord Gower. He died in 1740; his son, sir Charles Wyndham, on the death of the duke of Somerset, succeeded to the title of earl of Egremont." Coxe's Walpole.

"Another person who acted a very considerable part in this opposition to Walpole, was sir William Wyndham, as a leader of the tories, such of them, at least, who were not averse to come with their party, into power and offices under the present royal family. In the latter part of queen Anne's reign, he had been secretary at war and chancellor of the exchequer, though a very young man, raised so high in the world against the opinion of it by the favour of my lord Bolingbroke, with whom he lived in an intimacy of pleasures and gallantries as well as business; and from his attachment and gratitude to him (which he ever preserved) and from party violence and the heat of his youth had engaged in the rebellion of 1715, but escaped any punishment except that of a short confinement, by the consideration then had of the noble family he had married into, and who had great merit with the king and his family. He continued, however, in all the measures of his party against the government, and by frequent speaking in public and great application to business, and the constant instruction he still received from his friend, and as it were his master, especially in foreign affairs, he became from a very disagreeable speaker and little knowing in business to be one of the most pleasing and able speakers of his time, wore out all the prejudices of party, grew moderate towards the dissenters, against whom he once bore a most implacable hatred, studied and understood the nature of government and the constitution of his country, and found such a new set of principles with regard

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tion, between the interest of the landed gentlemen and that of the nation in general; such endeavours I know to be vain, and whoever does endeavour it, will soon find himself disappointed in his design: I know that since last session of parliament, it has been most industriously given about in the county, which I have the honour to represent, 'O gentlemen! The 'knight of your shire was against easing you of 'one shilling in the pound land tax.' Whether this was done with a design to do me service or disservice, I shall not determine; but if it was done with design to do me a disservice, I shall leave those who did it to brag of their success. For my own part, I am so conscious that my behaviour in that affair last session of parliament was right, that were I to plead merit with my constituents upon any one vote I ever gave in this House, it would be upon my way of voting in that very affair; for I shall always be against sacrificing the public happiness of the nation, or the security of our constitution, to any such mean and sordid views as that of a little present ease in the land tax; and I hope every landed gentleman, whom I have the honour to represent, is now and always will be of the same opinion.

The Sinking Fund is a Fund I have always had the greatest veneration for; I look on it as a sacred Fund, appropriated to the relieving the nation from that load of debts and taxes it now groans under; I take it to be so absolutely appropriated to that use, that if upon any pressing and unlooked-for emergency, we should be necessarily obliged to borrow a little from it, the same with interest ought to be repaid by some tax to be raised within the year. I have, indeed, been always afraid that some enterprizing minister might be tempted to seize upon it, or some part of it, in time of war; but I little dreamt of seeing any attempts made upon it in a time of the most profound tran-

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to the public, and from them grew to think that the religion and liberties of the nation, so much depended on the support of the present family on the throne, that he lost all confidence with the jacobites, and the most rigid of the tories, and it is thought would have left them entirely if he could have stood the reproach of that in his own country, or could have maintained a prevailing interest there without them: and upon that footing would willingly have come into a new Whig administration upon the exclusion of sir Robert Walpole, with whom he would never have acted, and with the admission of some few of his tory friends, who in company with him would willingly also have left their party for such a change, swayed not a little perhaps in this by observing that no other road would lead them to those honours and preferments in the state, which it was just for men of abilities to expect, and a folly to exclude themselves and their families from, when they could take them as they thought without hurt to their principles and their characters. But he did not live long enough to have this happen to him.

"He was, in my opinion, the most made for a great man of any one that I have known in this age. Every thing about him seemed great. There was no inconsistency in his composition, all the parts of his character suited, and were a help to one another. There was much of grace and dignity in his person, and the same in his speaking. He had no acquirements of learning, but his eloquence improved by use, was strong, full, and without affectation, arising chiefly from his clearness, propriety, and argumentation, in the method of which last, by a sort of induction almost peculiar to himself, he had a force beyond any man I ever heard in public debates. He had not the vivacity of wit and pleasantry in his speeches so entertaining in the former person, but there was a spirit and power in his speaking, that always animated himself and his hearers, and with the decoration of his manner, which was indeed very ornamental, produced not only the most attentive, respectful, but even a reverend regard to whatever he spoke.

"He was besides generally serious, and always decent, never positive, and often condescending, though sometimes severe and pointed. There was indeed great decorum through his whole carriage, and no man ever contributed more than he did to the dignity of parliament. Had he been a minister in his latter days, I am satisfied, he would have had the same decorum in office as he had in parliament, and he had that civility and good breeding in his demeanor, that made him as fit for a court as any other situation, and his abilities would have made him equal to any. He had certainly great notions, and appeared to have a high regard to the principles of honour and justice. It has been said, that he was haughty and passionate, and would have carried his power too high, and I am afraid it was the weakness he was most liable to fall into. Those who spoke most of this, took their thoughts of him chiefly from what they remembered of him in his younger days, when it is very true he had too much of this temper; but as far as I could observe, he was much changed in this as he was in his principles and other things, and surely no man in general was ever less in his advanced age of what he had been in his youth, than he seemed to be. But as he was not without his fears too, and some desire of fame, they from his knowledge also of the world would have been some restraint upon the other, and if so, his state might only have procured that respect which is always due and necessary to government. What his firmness in great trials would have been, I cannot say. He was certainly of a very high spirit, and that with power well managed might have supported him under any difficulties. If I have spoken too highly of him, it must be imputed to the great opinion I conceived of him in the House of Commons, where I never saw him fail of being a great man." Speaker Onslow's Remarks on the Conduct of Opposition: Coxe's Walpole.

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quillity. It is to me a melancholy consideration to think of the present vast load of the national debt; a debt of no less than forty-five millions and upwards, and that all contracted since the Revolution! This must be a melancholy consideration to every gentleman, that has any concern for his country's happiness; but if the motion now made to us shall be agreed to, how dismal will this consideration be rendered, when we reflect upon the little appearance that there will then be of this debt's ever being paid? Is the public expence never to be lessened? Are the people of England always to pay the same heavy and grievous taxes? surely, Sir, if there is ever a time to be looked for of easing the people of this nation the present is the time for doing it: But when I reflect upon what was done last session of Parliament I am really afraid of proposing any relief for the poor manufacturers and labourers of this nation; I do not think we can trust ourselves. The salt duty was taken off by this House as a tax the most grievous to the labourer and to the poor of this nation, and the SinkingFund was thereby diminished: for the relief of the poor we did consent to this encroachment on that sacred Fund; but that very tax was again laid on, because some gentlemen pretended to have found out, that the landed gentlemen of England were poorer than the poor. At this rate the whole Sinking Fund may by degrees be exhausted, and the poor of the nation not relieved from any one tax they now groan under.

Last year the salt duty was laid on for three years, in lieu of one shilling in the pound land tax for one year, and this was pretended to be a relief to the landed interest; but it was then evidently made appear, that it was no relief even to any landed gentleman in England, unless he was a man of a plentiful land estate; and it was then also made appear, that the people of the nation were to pay above a million, for the 500,000*l.* then saved in the pockets of the landed gentlemen. And now this year the sum of 500,000*l.* is to be taken from the sinking fund, in lieu of one shilling in the pound land tax; this is likewise pretended to be a relief, but, upon a strict examination, it will be found to be much such another relief as that of last year. We are to save this year in the pockets of the landed gentlemen 500,000*l.* but this sum must hereafter be paid by the nation some time or other. If it be paid next year, we then pay 520,000*l.* for it; if not untill two years hence we pay upwards of 540,000*l.* and if it is not paid till fifteen or sixteen years hence, by computing interest upon interest which in such cases must always be done, the nation must then pay above a million for the 500,000*l.* ease, now pretended to be given to the landed gentlemen. This is the least sum that it will cost the nation; but if to this we add what might be saved by the abolishing of some of those taxes, which now lie heavy upon trade and which cost the nation more in levying than the neat produce ever amounts to; then it will appear that the nation must be infinitely a greater loser by this ease now pretended to be given to the landed interest. Let any landed gentleman consider this, and at the same time consider, that the lands of Great Britain stand ultimately obliged to pay all the debts we owe, in case our present funds should fail, which they may probably do by the decay of our trade, if it continues long under the difficulties it at present labours under; let any landed gentleman, I say, consider this; and then let him determine whether he and his posterity owe thanks to the gentlemen, who now pretend to be so great friends to the landed interest.

What can those gentlemen say, who are thus for loading posterity? Can they imagine that there will ever be a time of more profound tranquillity? Can they imagine that there will ever be a less occasion for public expence? Or can they imagine that our posterity will be in much better circumstances than we are? I am sure, if we suppose the last, we must shew more regard to the trade of the nation than has been shewn for some time past; we must think of relieving the poor tradesmen and manufacturers from the many and various kinds of taxes they now groan under; and we must avoid all occasions of loading the public with the payment of interest, by providing within the year for the current service of the year: to this the motion now made is directly contrary; for the not paying off of an old debt is the same with contracting a new; and subjects the nation to the same expence with respect to the payment of interest. But I shall not trouble gentlemen any farther upon this subject at present, because I hope we shall have another day to consider of this question; and therefore I shall conclude with seconding the motion for the chairman's leaving the chair.

Mr. *Scrope*,* said, That the motion was no other than an alternative either to take the money from the sinking fund, or to take it from the landed gentlemen, upon whom the burthen must immediately lie. That even supposing the honourable gentleman's calculations and presages to be true, he must admit, that by keeping the money in the pockets of the landed gentlemen, the interest accumulated to them likewise in the same manner as it must do to the creditors of the government. That this was an immediate saving, which might be of much more service to them (who must be considered as part, nay, the most respectable part of the public) than the pay of the interest, to which all the public indiscriminately contribute can be of detriment to the nation, especially reflecting upon the great resources the government might probably hereafter find, considering the flourishing state of the commerce and the credit of the kingdom, and which, as it encreased, must, in any event, enable the landed gentlemen hereafter to pay with more facility than they could be supposed to do at that present time.

* MSS. Debates. Tindal.

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Mr. *Henry Pelham*, said:

Sir,

As other gentlemen have their melancholy considerations, so I have mine; the most melancholy consideration I have is, that notwithstanding our having a government, under which we enjoy our laws, our liberties, and our religion, to the utmost extent; yet it is absolutely necessary to put the nation to a very great annual charge, in order to support that government against the foreign enemies of both our constitution and religion, supported and encouraged by our factions and divisions at home: this is the reason that we cannot, by a saving in the public charge, give that ease to the landed interest, which is become absolutely necessary to be given; and since we cannot, with any safety to the constitution, or to the present happy establishment, give that ease by a saving in the public annual expence, we must therefore resolve to give it in that manner which will be least burthensome to the people, and that I take to be the method which is now proposed to us.

Gentlemen may talk as they please of what was done in last session of Parliament, but I can say that in all places where I have since been, I have had the pleasure of receiving the universal thanks of the people, for the ease then given to the landed interest; and whatever gloss may now be put upon that affair, yet I know that some gentlemen, who appeared against it, were heard to say at the time that that affair was first mentioned, 'This is a most damnable project! It 'will please the country too much, and there-'fore we must endeavour to render it abortive.' I will, indeed, do the gentlemen the justice to believe, that they then spoke as they thought; and they then did what they could to prevent the success of a design, by which his Majesty's administration has gained the favour and the esteem of the generality of the landholders in England.

I have as great a regard for posterity and for the future happiness of the nation, as any gentleman in this house; and therefore I shall never be against any thing, that is absolutely necessary for conveying to posterity the many blessings we now enjoy under the present happy establishment. What is now proposed is not a throwing of any new load upon posterity; it is only a disposing of that money which always has been, and still is at the disposal of Parliament: we have a right to dispose of it in that manner which we we think most conducive to the general interest of the nation: and what is now proposed is only an exercising of that right, and thereby granting an ease to the most oppressed part of his Majesty's subjects, at a time when there is no pressing demand for applying the money, either to that use for which it was at first intended, or to any other use whatever. This is a question that, in my opinion, requires no time to consider of; it is granted by every gentleman who has spoke in this debate, that the creditors of the public do not desire to have their money; and it is likewise granted that the landed interest stand in great need of relief; it cannot therefore be doubted, but that the Parliament may, and ought to apply at least a part of that, which is not so much as wished for by the public creditors, to the relief of those who are now in so great distress, especially since no relief can be given to them by any other means; for which reason, I shall be for agreeing with the motion made by the honourable gentleman near me.

Mr. *Waller* stood up next, and spoke against the motion as follows:

Sir,

It is known, I believe, by every gentleman in the House, that Scotland pays little or no part of what is raised for the use of the Sinking-Fund, and for the small part they do, or ought to contribute towards that Fund, they have already received an equivalent; so that by what is now proposed to us, that part of the nation is not to contribute a shilling towards this 500,000*l.* which is to be applied for the current service of the year: now, I should be glad to know, by what article of the union they are to be free from paying any part of so large a sum, for the current service of the year. I find, by some accounts called for, and now lying on our table, that there has been but a very little paid by the people of that part of the island, towards the support of the government; and I believe that the little that has been paid, has generally been distributed away among themselves, in pensions, rewards, and gratuities.

Mr. *Taylor*, member for Petersfield, observed, That there are some people in the nation, who the more they owe the greater advantage they make, and the richer they grow; such are the bankers: that by the motion made to the House one would imagine some gentlemen took the case of the nation to be the same; but for his part, he could not think so, and therefore differed from the motion.

Then the question was put, That the Speaker should leave the chair; which being passed in the Negative, by 245 against 135, the question was put upon the first motion, and carried without any division: after which it was resolved, without opposition, "That towards raising the Supply granted to his Majesty, the sum of one shilling in the pound be laid upon land for the year 1733."

Feb. 26. The above Resolutions of the Committee were reported to the House; and a motion being made, for agreeing with the Committee as to the first Resolution, the same was opposed by

Mr. *Sandys*, who on that occasion spoke as follows:

Mr. Speaker.

Notwithstanding the long debate that was in the Committee upon this Resolution, yet I cannot now let it pass without taking notice of the bad consequences it may be attended with. The perpetual method heretofore, of providing for the current service of the year, has been to

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grant annual supplies to be raised by taxes which were granted for that purpose, and consequently were granted only for one year: at the expiration of that year they were at an end, and none of the officers of the crown durst pretend to levy them any longer on the people: It would have been high treason for any officer to levy any such tax, after the expiration of the year for which it was granted by parliament. By this method our kings have always been under a necessity of calling parliaments frequently; if the King wanted a supply, there was not a tax subsisting by law, out of which he could get it, and therefore he was obliged to call a parliament to grant him a new supply, and to impose a new annual tax for that purpose; of this nature is the land-tax; it has always been one of those taxes which were granted for the current service of the year, and for that reason has never been granted for more than one year at a time. But what are we now about to do? We are going to depart from this laudable method always observed by our ancestors; we are going to give up that tax which we have always in our own hands, and which we may grant or not as we see occasion; and in the room thereof we are going to substitute a tax, or at least a method of providing for the current service of the year, which we have not in our power; the taxes by which the Sinking-Fund is raised, being all granted for ever, and may be levied on the people without any new authority from Parliament. By this method we clearly point out a way, by which some future ambitious prince may provide for the current service of the year, without the assistance of Parliament; from whence he may judge that parliaments are unnecessary, and will certainly lay them aside as soon as he finds them troublesome. By those taxes granted for the Sinking Fund, which his officers may levy according to the laws in being, he finds himself provided of a revenue sufficient to support his government, without the assistance of parliaments, and therefore he will resolve to govern without them, if they but once begin to thwart any of his measures.

I know it will be told me, that it would be as illegal and criminal, to apply the revenue of the sinking-fund to the current service of the year, without the authority of Parliament, as it would be to levy taxes without any such authority: But there is a very great difference between the two cases: in levying a tax contrary to law, every officer employed knows that he acts with a rope about his neck, and therefore it would be difficult for the most powerful prince to get officers that would be employ'd in the levying such taxes; whereas in levying those taxes appropriated to the sinking-fund, every under-officer acts according to law, there is no man guilty of any crime as to the levying of them; there are none guilty but a few of the chief officers, who agree to or connive at the misapplication.

Another material difference there is between those two cases. The levying of any tax, contrary to law, gives immediately the alarm to the whole nation both poor and rich; every man thinks he is robbed of his property, if he is obliged to pay the most trifling tax, without the authority of Parliament; and as the whole people in the nation would on such an occasion take the alarm, so it would be easy to stop such a prince in the beginning of his tyrannical career, before he could have time to fix himself in arbitrary power. But though an ambitious prince and his ministers should misapply the produce of the sinking-fund, by converting it to the current service of the year, the body of the people would be no ways alarmed; they would not think themselves any way hurt, because they would find that they were not obliged to pay any taxes, but those which they knew to be due by law; on the contrary, they would probably be well pleased with the new sort of government, because they would find themselves, for some time at least, free from the payment of those taxes which had formerly been annually raised by Parliament; and thus, before the body of the people could be made sensible of the tyranny they were under, the arbitrary power of the prince would be established, and the fetters of slavery riveted upon the people. I cannot but dread the consequences of the resolution now before us, and therefore I could not let slip this opportunity of again declaring my dissent to it.

Mr. Shippen then rising up, Mr. Danvers moved for clearing the galleries of all such as were not members, which being done accordingly,

Mr. *Shippen* made the following speech:

Mr. Speaker,

There was no occasion for so great and solemn a preparation for what I have to say; but as I did not take the liberty to give you any trouble in the committee, I will now beg leave to say a few words to the question before us.

I have, in many former debates in this House, heard parliamentary faith often mentioned, and much insisted on. Particularly I remember, that last session of Parliament, when it was proposed that Scotland should pay equally with England, towards a duty which was then raised, or rather revived, and applied to the current service of the year, a certain honourable gentleman told us, and insisted much upon it, that it was a breach of Parliamentary faith. I wonder to see that gentleman, who was last year so nice an observer of Parliamentary faith, now so forward for committing what I take to be a real breach of Parliamentary faith.

I remember the time when the law, which we are now going to break through, was brought into this House; I remember that the gentleman, who brought it in, introduced it with the greatest solemnity: he told us, that it was to be looked on as a fundamental law of the realm, and that therefore it was to be always had in the greatest reverence and esteem;

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that no attempt was ever to be made for encroaching upon or altering it; that it was a law which was always to be deemed sacred; and that the surpluses or excesses of the funds thereby established were always to be religiously preserved, and appropriated to the paying off the debts of the nation. He then said, That it was upon the strict and religious observance of this law, that the credit and the future happiness and glory of this nation entirely depended; and in pursuance of what he said, the words of the law were made very plain and express, 'That all the excesses and surpluses 'there mentioned, should be appropriated to 'the discharging the principal and interest of 'such national debts, as were incurred before 'the 25th of December 1716, and were de-'clared to be national debts, and not provided 'for by Parliament, in such manner as should 'be directed by any future act, and to or for 'no other use whatever.'

These are the words of that law, and by these words it is plain, that the Sinking-fund is not absolutely at the disposal of Parliament; the Parliament may direct what debts are to be paid off, but the Parliament cannot direct those surpluses and excesses to any other use besides that of paying the national debts before the year 1716, without repealing that law; and as all the public creditors have as much a right to have their principal paid as their interest, we certainly cannot divert that fund which is appropriated for the payment of their principal, without their consent, no more than we can divert those funds which are appropriated towards the payment of their interest; it is a breach of Parliamentary faith in the one case as well as in the other. It is to be presumed, that it was upon the faith of this law, that so many became soon afterwards purchasers of our public funds, by which we have since been enabled to reduce the interest payable upon them, and have thereby considerably increased this same sinking-fund; and can it be said, that Parliamentary faith is observed towards those purchasers, if without their consent that law be broke through, which was the greatest, perhaps the only temptation for them to purchase?

I am really surprized to hear gentlemen argue as they do upon the present subject; but I remember that the author of, or at least he who brought in that law, was a country-gentleman, and therefore I do not at all wonder to see a minister of state endeavour to tear down any monument, that was erected by a country-gentleman; but I would have gentlemen reflect, that he that pulls down a monument of glory, erects thereby to himself a monument of infamy. For my part, I have always been a country-gentleman in this House: I am afraid, afraid I ought not to say, for I desire to continue always to be a country-gentleman; and therefore I am for preserving entire and inviolated this monument of glory, which was erected by an honest country gentleman; and for this reason I cannot agree with the Committee in the resolution now before us.

Sir *William Yonge* spoke next:

Mr. Speaker,

As we had the sentiments of most gentlemen on the subject now before us when in the committee, I was in hopes that the resolution would now have been agreed to without any farther debate, but I find it is otherwise. An honourable gentleman over the way pretends to be in great fear, and to dread dangerous consequences from this resolution; but how he or any other gentleman can be at present under any such apprehension, I cannot comprehend; there cannot be the least reason, or so much as any colour of reason for such, as long as the present royal family possesses the throne of these kingdoms; it can never be suspected that his present Majesty, or any of his illustrious family, will ever think parliaments useless, or make any attempt for laying them aside; such a thing might, indeed, very probably happen, if by a revolution, a revolution I say, for I shall never give it the name of a restoration, the Pretender to his Majesty's crown, or any of his descendents, should get the possession of the throne; the creditors of the public might then, indeed, despair of ever having either their principal or their interest; they would then be told that none of the public debts ought to be paid, because they were all contracted without any legal authority, and for keeping the rightful heir from the crown: parliamentary faith would then, indeed, be laughed at, and those taxes, which are now appropriated and faithfully applied to the payment of the public creditors, would then be all at once converted to the support of tyranny and arbitrary power.

This would certainly be the fatal consequences of such an unhappy revolution; but how invidious is it so much as to suspect any such design in his Majesty, or any of his family who shall succeed to the crown; their title, their right to the crown, flows from the authority of parliament, and entirely depends upon the preservation of our present happy constitution; how then can it be supposed that they will destroy parliaments, since by the destruction of them, they would certainly destroy themselves? But I find those groundless jealousies and fears are pretended not only in this House, but they are industriously spread through all parts of the nation; for I had myself a letter lately from the corporation I have the honour to represent, desiring me not to consent to any extension of the excise-laws, because our parliaments would be thereby rendered useless: this letter came to me by the post, but by whom it was wrote, I do not know; however, from thence I conclude, that it has been represented to the people in that country, that if a certain scheme now upon the anvil should succeed, parliaments would be rendered quite useless, and would be laid aside. The vulgar and the ignorant people may be possessed with such fears; such pretences may be made use of among them, but I little expected to have heard any such arguments made use of in this House.

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I am, indeed, surprised to hear it so much as insinuated that the present resolution is any breach of parliamentary faith, or that the public creditors have a right to demand that no part of the sinking fund can be applied to any thing but to their payment. The case of the Sinking Fund is very different from those taxes which are appropriated towards the payment of their interest; it was upon the faith of this last appropriation, that they lent their money, and therefore they cannot be diverted to any other use without their consent; but the Sinking Fund was established long after, there was no money lent to the public by any man upon the faith of that Fund; and therefore it is entirely at the disposal of parliament; the legislature may convert it to any use they please, without the consent of any man, or of any body of men; as to the disposal thereof, we are under no restraint but that of the public good; and as I am convinced that what is proposed by this resolution is the best thing we can do for the public good, therefore I shall be for agreeing with our Committee.

Mr. *William Pulteney* replied:

Mr. Speaker,

The fears, which my honourable friend has expressed, are most just and reasonable, however groundless they may at present appear to the gentleman who spoke last. His present Majesty is known to us, we know that all his designs are just and honourable, and we know that he will not allow himself to be misled by any guilty minister; he is too good to think of trampling upon the rights and liberties of the subject, for the sake of protecting any high criminal whatever. But we cannot certainly know what is to happen hereafter; we cannot depend on the dispositions, the humours, or the designs of all the princes, even of the present royal family, that may in course succeed to one another. Who knows but a prince not yet born may arise, even of the present royal family, who finding himself possessed of a revenue, which he may raise by virtue of the laws in being, and which he knows to be sufficient for the support of his government, without any assistance from parliaments, may from thence conclude, that parliaments are useless to him, and therefore resolve to lay them aside? The present royal family has as good a right to the crown, as ever any family had that swayed the sceptre of this kingdom; their right to the crown no more depends upon parliaments, than the right of any former royal family ever did; and yet we know, that some of our former kings have had views of overturning the rights and the liberties of the people. The only barrier against such designs, is to take all proper care that it shall never be in any future prince's power; This is what has hitherto preserved our liberties, and this is our only security in time to come.

The honourable gentleman has, I do not know how, lugged the Pretender into this debate; I am sure the mentioning of that bugbear was as foreign to the subject in hand, as it ever can be to any debate that can happen in this House; But is the Pretender the only person we have to fear? No, there is no prince in Europe from whom we have less to fear than from him; he has so little power or interest in this nation, that our liberties can never be in any danger from him, and I hope the present royal family will always be so fully possessed of the hearts and affections of the people, that it never will be in the Pretender's power to do us any harm. The only hopes he can ever have must arise from the arbitrary designs of the prince upon the throne, and therefore we ought carefully to avoid all those measures, which may give a foundation for the forming of any such designs in time to come.

Sir *William Wyndham* spoke next against the motion:

Mr. Speaker,

I did not design to have given the House any trouble this day; but such insinuations are thrown out, and so often repeated by some gentlemen in this House, as I cannot with patience sit still and hear. I generally observe, that when proper answers cannot be made to what gentlemen advance, then, Jacobitism is brought in; and because some gentlemen in this House take the liberty to differ from others, therefore they must be taxed with the terrible name of Jacobite; I wish that gentlemen would resolve for the future always to give us arguments, and not names, for the support of their opinions. For my own part, I will leave it to the whole world to judge who most pursue the principles of the Revolution, they who are for supporting the government in that way, which is most easy and least burthensome to the people; or they who are for doing it in a way, which is so odious and so burthensome to the whole nation.

Whenever there are any just fears of the Pretender; if there ever shall happen to be any real designs in his favour, which I hope never will, then I shall do as I always have done, I shall shew by my actions what my principles are. I believe I stand in the opinion of mankind acquit of any imputation of jacobitism, as much as the honourable gentleman over the way, or any gentleman in this House: and therefore, I as much despise that imputation, as I despise being always a servile assentator to every thing proposed by the administration. But as such insinuations have been often thrown out against me in this House, I must let gentlemen know, that it is a treatment, which I think inconsistent with the dignity of this House, and a treatment which I will no longer bear with.

Mr. *Shippen* said:

Mr. Speaker,

I believe I have no occasion to make any professions of what I am; but I must take notice that in private life, any voluntary securities, that may be granted to creditors after the borrowing of their money, are as binding upon the granter, and ought to be as religiously observed, as those that were granted at the time

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the money was lent; This is certainly the case as to all private affairs, and I cannot think but that the case is the same with respect to public transactions. I do not know, but that some gentlemen in this House may be offended at my so much as mentioning the reign of king James II. yet upon the present occasion I must mention it; and the observation I shall make is, that that unfortunate prince took many wrong steps, ran himself into great difficulties, and at last lost his crown, by following too implicitly the wicked councils of a bad minister; and that very minister most basely betrayed, and at last deserted his master. One of the greatest misfortunes of that prince, and that which contributed most to his overthrow, was his keeping up a standing army in time of peace; he did it, indeed without the consent of parliament, but he did it at his own expence; he did it without laying any charge upon the people; and he did it without consent of parliament, because he could not find a parliament mercenary and corrupt enough to give their consent.

Then sir Robert Walpole and lord Tyrconnel spoke in favour of the Resolution; and Mr. Wyndham against it. At last the question being put, it was carried to agree with the Committee, without any division; After which the question was put upon the second Resolution, and agreed to without opposition.

*Debate in the Commons concerning a Call of the House, in expectation of the Excise Scheme being brought in.**] Feb. 27. The order of the day for the call of the House was read, and a motion being made for adjourning it till that day fortnight,

Sir *John Rushout* stood up, and spoke as follows:

Mr. Speaker,

I do not rise up to oppose putting off the call of the House till this day fortnight; that I shall easily agree to; but there being, as I imagine, a certain Scheme or Project to be brought into this House, which seems to be of very great consequence to the whole nation, I wish that the call of the House may be appointed to be about the time, when that scheme is to be laid before us. For my part, I know nothing about it, I cannot tell when we are to have the pleasure of seeing that famous project; but I wish that some gentleman, who knows more of it than I do, would get up and fix a day when he thinks it will be brought in, and then move that the call of the House may be put off till that day, or till some day about that time.

We have been long in expectation of seeing this glorious scheme, which is to render us all completely happy; we have waited for it with impatience ever since the beginning of this session of parliament; we imagined, as had been insinuated to us in the preceding session, that it was to come in lieu of the one shilling in the pound Land-Tax, as a supply for the current service of the year; but in this we are disappointed; that measure has, it seems, been altered, and we have seen this ease as to the Land-Tax otherways supplied. I do not know whether the Scheme itself has lately met with any alterations or amendments, but I hope, if it be to be laid before us this session, that it will not be put off till towards the end of the session, when gentlemen are tired out with attendance, and obliged to return home to mind their own private affairs. If a scheme of that

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* The following is Mr. Coxe's Account of this Scheme:

"I am now arrived at that important period in the life of sir Robert Walpole, which relates to what is usually called the Excise Scheme, or in other words, the plan for subjecting the duties on Wine and Tobacco to the laws of Excise; a measure which raised a great ferment in the nation, because it was perverted by the malignant spirit of party, and was not thoroughly understood by sober and impartial persons; but which reason, and the disinterested voice of posterity has sanctioned and justified.

"On this subject, a judicious writer, [Tucker's Elements of Commerce and Theory of Taxes, p. 148, a book printed but not published,] who well understood the principles of commerce, has observed, 'without entering 'into a defence of all parts of his conduct, I 'am persuaded that impartial posterity will do 'him the justice to acknowledge, that if ever a 'statesman deserved well of the British nation, 'sir Robert Walpole was the man. Indeed, 'the only true way of discovering, whether we 'are advancing or retreating in our political 'and commercial capacity, is to compare the 'past with the present, and to examine whether we have the same quantity of pernicious 'taxes, and monopolizing patents, as we had 'formerly. If we have not, it is our business 'to be thankful for the deliverance we have received, and to unite our endeavours to be freed 'from the remainder. This is real patriotism 'and public spirit.

'One of the great merits of sir Robert Walpole, and in which perhaps no minister ever 'approached him, was that of simplifying the 'taxes, abolishing the numerous petty complicated imposts which checked commerce and 'vexed the fair trader, and substituting in their 'stead more equal and simple.

'But to omit matters of lesser note, the wisest 'proposal to relieve the nation was the Excise 'Scheme, by means of which the whole island 'would have been one general Free Port, and 'a magazine and common storehouse for all 'nations.

'It was not indeed a perfect scheme at its 'first appearance; but the foundation was 'good, and a few alterations would have rendered it a most useful institution for the purposes of national commerce. But the business of those times was not to alter, mend, or 'improve, but to oppose, and to raise a ferment. But even in its most imperfect state

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consequence be at all brought in, it certainly ought to be brought in when the House is full, that it may be considered, and approved or rejected, by as many members as can possibly be brought together. As soon as the time for its being brought in shall be fixed, and the call of the House accordingly appointed, then I shall take the liberty to move for letters to

'it would have defeated the views of monopo-
'lists, and have proved of great national ad-
'vantage. If the bill had been so worded as
'to be only permissive, not compulsory, every
'man in the kingdom would have made the
'Excise Scheme his own choice, that is, he
'would have preferred the method of putting
'his goods in a warehouse, and paying the
'duties as he wanted them, rather than paying
'the duties all at once at the custom-house.
'As a proof of this, let it be observed, that the
'very men who made the loudest clamour
'against the Excise Scheme, in a few years pe-
'titioned for a much worse, the present law
'relating to tobacco; which is allowed on all
'hands to be an excise scheme in effect, and
'to have inconveniences, which the Excise
'Scheme had not. But to give some salvo to
'the matter, the word Permit is changed to
'that of Certificate.'

"Either the Excise Scheme was not such as it is here explained, or the opposition to it was founded on principles of error, misrepresentation, and party. Let me then be permitted to consider by what means the nation in general was induced to give such a decided resistance to the bill, and to make as public and as loud rejoicings when it was relinquished, as upon the most glorious national victory ever gained over our enemies in times of the greatest danger.

"In attempting to develope these causes, it may be expedient to trace the History of the Excise from its first introduction into England, until the opening of Walpole's scheme.

"The first attempt to impose it was made in 1626, by a commission under the great seal, issued to thirty-three lords and others of the privy council, but the parliament having remonstrated, it was judged by both Houses contrary to law, and the commission accordingly cancelled by the King. So odious was the very name, that if we may credit Howel, sir Dudley Carleton, then secretary of state, having only named it in the House of Commons, with a view to shew the happiness which the people of England enjoyed above other nations, in being exempted from that imposition, was suddenly interrupted, called to the bar, and nearly sent to the Tower.

"During the civil wars in 1641, parliament ventured to impose an excise on beer, ale, cyder, and perry; but although they pleaded absolute necessity in excuse for this expedient, and continued it only from month to month; yet the execution of it raised riots in London. The populace burnt down the Excise House in Smithfield, and nothing but a standing army, adds the Craftsman, would have forced it upon the people at that time, when they were greatly disaffected to the king and favourable to the parliament.

"Although Charles the First, in one of his declarations, charged parliament with imposing insupportable taxes and odious excises upon their fellow subjects; yet he was afterwards under the necessity of recurring to the same expedient. Accordingly, excises were laid on by both parties, though both of them declared that they should be continued only till the end of the war, and then abolished.

"Soon afterwards the parliament imposed it on sugar, butcher's meat, and on so many other commodities, that it might justly be called general, in pursuance of a plan laid down by Pymm, in a letter to sir John Hotham; 'That 'they had proceeded to the excise in many par-'ticulars, and intended to go farther; but that 'it would be necessary to use the people to it 'by little and little.'

"At the Restoration, the Excise was abolished on all articles of consumption, except beer and ale, cyder and perry, which produced a clear revenue, according to Davenant, of 666,383*l.* These duties were divided into two equal portions; the hereditary Excise, because granted to the crown for ever, in recompence for the court of wards, purveyance, and the levies abolished by act of parliament; the other the temporary Excise, because granted only for the life of the king.

"On the accession of James the Second, parliament not only renewed the temporary Excise on his life, but also increased it by additional duties on wines, vinegar, tobacco, and sugar, which however were suffered to expire.

"The immediate effects of the revolution were to diminish the excises, supposed to be of a nature peculiarly obnoxious to the spirit and principles of the constitution. But the necessity of raising money to defend our religion and liberties became so urgent, that even this species of imposition was adopted. Excise on salt, on the distillery, and on malt, since known by the name of the malt tax, were then first introduced; an additional excise on beer produced alone 450,000*l.* and the sums raised by those duties during the reign of William, amounted to 13,649,328*l.* or nearly a million per annum.

"But so great were the necessities which the war on the Spanish succession intailed on the nation, during the reign of queen Anne, that the aversion to the excise did not prevent additional duties on several articles of consumption, and it produced in her reign 20,859,311*l.* or nearly 1,738,275*l.* per annum.

"During the whole reign of George the First, no excise was laid on, except a small duty on wrought plate, under the administration of Sunderland. But the internal tranquillity of the country, and the exemption from foreign war, increasing the produce of the taxes, the excise yielded, in 13 years, 30,421,451*l.* or about

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the sheriffs, as have been often practised on the like occasions. Hereupon

Sir *Robert Walpole* stood up and spoke as follows:

Sir; As to the Scheme mentioned by the honourable gentleman who spoke last, it is certain that I have a Scheme which I intend very soon to lay before you. I am resolved very

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2,340,000*l.* per annum. Its unpopularity however was not abated by long usage, and the laws for the collection were necessarily so severe, and so often exercised in preventing frauds and punishing smugglers, that they were considered by many persons as encroaching on private property and personal liberty.

"Such were the prejudices conceived against the excise, that the principal writers on finance, government and trade, from the revolution to the period under consideration, almost uniformly condemn it; and a plausible notion prevailed, that as the real income of every country originates from the land, all taxes should be at once imposed on landed property.

"Even Davenant, who well understood the nature of taxes in general, and has so ably written on public credit, was deceived in this particular. Because at that time the excise had the effect of sinking the price of the subject excised instead of raising the price of the produce, he concluded that all excises fall ultimately upon the land, and proposed as more equitable, the poll tax and land tax.

"The authority of Locke also contributed to spread the same notion, and his opinion against the establishment of the excise, was quoted with due effect by the Craftsman. That great philosopher, whose writings tended so much to expand and enlighten the human mind, had without due consideration asserted, that all impositions on articles of consumption fell ultimately upon land. The natural consequence therefore of that position was, that any additional duties on wine and tobacco could not ultimately ease the landholder, and therefore could not fulfill the intention held forth to the country gentlemen, as an argument in favour of the Bill.

"This system, though exploded by a more intelligent age, had a surprising influence on all ranks and descriptions of men at that time, when the principles of commerce and taxation were little understood and less followed. The opposition laid great stress on this argument; and in conformity to the existing opinion, sir William Wyndham did not scruple to declare it, 'as demonstrable as any proposition in 'Euclid, that if we actually paid a land tax of '10*s.* in the pound, without paying any other 'excises or duties, our liberties would be much 'more secure, and every landed gentleman 'might live at least in as much plenty, and 'might make a better provision for his family, 'than under the present mode of taxation.

"On the contrary the sagacity of Walpole led him to perceive, that a tax on landed property was a greater burthen to the subject than taxes on articles of consumption. He was fully aware that the excise laws obstruct the operations of the smugglers more effectually than the laws of the customs; that the method of levying taxes in use, was more burthensome upon trade, and more expensive to the merchants, than the raising of them by excise, and that it would be more beneficial to commerce, and would considerably increase the revenue, if all, or the greater part of the customs were converted into excises. But as he well knew the aversion which the nation entertained against the excise, and as he was unwilling to deviate from his own great principle of government, not to rouse things which are at rest, he proposed gradually to introduce his plan by abolishing the land tax, and substituting other methods, until he could venture to come forwards with the proposal of his great scheme for extending the excise.

"With this view he made an alteration in the duties on coffee, tea, and chocolate by abolishing the import duties and subjecting them to inland duties, and to the same mode of collection as is practised in the excise. But as he still suffered them to be levied as customs, and prudently omitted to mention the word excise, this amendment met with no opposition, and increased the duties on tea, coffee, and chocolate about 120,000*l.* a year.

"For the same purpose he proposed the revival of the salt duty, which had been abolished in 1729, because he conceived, that a revival of excise duties on commodities formerly subjected to that mode of collection would not be regarded with so jealous an eye as a new impost in the same line.

"But though he thus endeavoured to conceal his intended purpose, yet the opposition penetrated his scheme; in the debate which took place on that subject, they first threw down the gauntlet, and dwelt with unabated energy on the apprehensions of a general excise, as the war whoop to spread an alarm throughout the country, and as the death warrant of national liberty. It was then that, provoked by the petulance of his adversaries, and entertaining too great a contempt of their arguments, with more spirit than judgment, and with more attention to the dictates of truth, than to the temper of the times, he anticipated the intended mention of his extensive views, and laid down the great plan before it was sufficiently matured, and before the nation was able to consider and appreciate its excellence. He unequivocally declared that the land tax was the most unequal, most grievous, and the most oppressive tax ever known in this country; a tax not to be raised but in times of the greatest necessity; and in answer to those who opposed the revival of the salt duties, because it was partly levied under the excise, he ventured to declare that an excise is only a word for a tax levied in a different manner. He added, 'If it be found by experience, 'that the present method of raising our taxes is 'more burthensome upon our trade, and more

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soon to make a motion, for this House to go into a Committee of the whole House on something or another; I have not, indeed, as yet fully determined what my motion shall be, but I suppose it will be for this House to go into a Committee on the State of the public revenue, or on the frauds committed in the collecting thereof, or on the frauds committed in some

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'inconvenient and expensive than the excise, I 'see no manner of reason why we should be 'frightened by these two words, 'general ex- 'cise,' from changing the method of collecting 'the taxes we now pay, and choosing that which 'is most convenient for the trading part of the 'nation.'

"This manly avowal of his sentiments in favour of the excise laws, was naturally deemed by opposition the prelude to his adoption of them, and magnified into a scheme for a general excise of all the necessaries of life.

"Aware of having prematurely advanced notions which the age could not comprehend, a pamphlet was published on this subject, under his auspices, intitled, "Some general considera- "tions concerning the alteration and improve- "ment of the revenues;" in which an attempt was made to inform the people, that the scheme was founded on the first principles of commerce and taxation, and in no degree derogatory from the liberties of the subject.

"But in this progressive plan he was baffled by opposition, who employed against him all the powers of wit and eloquence, which they possessed in so abundant a degree; and it must be confessed the scheme was not defended with equal energy and spirit. The nation took the alarm; and before the scheme was understood, even before it was formally proposed, the writers in opposition, more particularly the Craftsman, delineated such a hideous picture of the Excise, as raised among the people the most terrible apprehensions. These weekly essays, collected and published under the title of "Arguments against Excises," contributed to pervert the judgment, and excite the rage of the deluded multitude. Against the united shafts of sophistry, wit, and ridicule, adapted to the prejudices and conceptions of the people, the weapons of sober truth and reason had no effect.

"The grand object of the bill was to give ease to the landed interest, by the total abolition of the land tax; to prevent frauds; to decrease smuggling; to augment the revenue; to simplify the taxes, and facilitate the collection of them at the least possible expence.

"The great outlines of the plan were to convert the customs into duties of excise, and to meliorate the laws of the excise, in such a manner, as to obviate their abuses or oppressions.

"Such were the object and general outlines of the plan. The specific propositions were, to divide the commodities into taxed and not taxed, and to confine the taxed commodities to a few articles of general consumption. To comprehend among the untaxed commodities, the principal necessaries of life, and all the raw materials of manufacture. The free importation of the necessaries of life would, by rendering those necessaries cheaper, reduce the price of labour. The reduction of the price of labour would diminish the price of home manufactures, and increase thereby the demand in all foreign markets, by underselling those of other nations. The free importation of raw materials would reduce the price of manufactures, and the cheapness of the goods would secure both the home consumption, and a great command in the foreign markets; and it was this regulation which induced Tucker to say, that by means of this scheme the whole island would become one general free port.

"So much for the commodities untaxed. But even the trade of the taxed commodities would be augmented, and both the foreign and home trade would enjoy considerable advantages. The foreign trade would be benefited, because the commodities delivered out of the warehouse for exportation, being exempted from all imposts, would be perfectly free; and the carrying trade, under these regulations, would be highly increased. The home trade would be benefited, because the importer, not being obliged to advance the duty, on the commodities delivered for interior consumption, untill he disposed of his goods, would afford to sell them cheaper, than if he had been obliged to advance the duty at the moment of importation.

Such, according to the opinion of a very judicious writer [Smith's Wealth of Nations, vol. 3. p. 358,] was the object of the famous Excise Scheme.

"Preparatory to its introduction, a committee had been appointed to inspect into the frauds and abuses committed in the customs; and on the 7th of June, 1732, sir John Cope, the chairman, presented their Report to the House. Though it was of infinite importance, and of so great length as to comprise, when printed, 103 pages in folio; yet the committee were so sensible that they had not fully explored all the recesses of fraud, and had left great part of their task unaccomplished, that they accompanied this elaborate document with an apology for its imperfections, in which they observed, that the shortness of the session would not allow them to make it so complete as they might otherwise have done, and that the number and intricacy of the various frauds, rendered a thorough disquisition almost impracticable.

In this report they adverted to the frauds committed by traders in tobacco, tea, brandy, and wine, and in the course of it displayed scenes of dishonesty, perjury, informing, violence, and murder, which would appear to sanction almost any measure, however violent, by which so horrible a stigma could be removed from the mercantile body, and from the fiscal laws of the country. It was proved by unde-

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particular branch or branches of the revenue; it must be, I believe, a motion to some such purpose: If the call of the House be appointed for this day fortnight, I believe I shall be fully determined between this and that time, and so be able to move for some such Committee; the House may then appoint a day for going into the Committee moved for, that so every member may have notice to attend if he pleases.

I do not desire, I never did desire to surprise this House into any thing, nor had, I thank God, ever any occasion to use the low art of taking advantage of the end of the session, for any thing I had to propose or would propose to this House; but when the House does resolve itself into some such Committee as I now mention, I will then lay before that Committee a Scheme which I have long thought of, which is, I am convinced, for the good of the nation, and which, if agreed to, will improve both the trade of the nation and the public revenue. I never had any intention to propose it as a Supply for the current service of the year; I was always sensible that no such thing could be done; but if it be agreed to, and if upon a trial it be found to bring in any addition to the public revenue, this House may then dispose of that increase in the following session of parliament as they shall judge proper; till then it cannot be appropriated, because till then it cannot be known what the amount may be. When the amount of the increase of the revenue thereby is once ascertained, that increase may then be brought in aid of the one shilling in the pound Land-Tax, and thereby that ease may be continued to the poor land-holders for years to come, if so the future parliaments shall think fit.

As for the Scheme's having received alterations and amendments, I do not know but it may; I never thought myself so wise as to stand in no need of assistance; on the contrary, I am always ready to receive advice and instruction from others, and I shall always be ready to add, to alter, or to amend any thing I have thought of, by the advice, and upon the

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niable evidence, that by perjury, forgery, and the most impudent collusion, in the article of tobacco, the revenue was frequently defrauded to the amount of one third of the duties, and that in many cases, an allowance had been dishonestly obtained, as a drawback on re-exportation, exceeding the sum originally received by government, which in the port of London only, sustained by these means a loss of 100,000*l.* per annum. The smuggling of tea and brandy was conducted so openly and so audaciously, that since Christmas 1723, a period only of nine years, the number of custom house officers beaten and abused amounted to 250; and six had been murdered. 251,320 pounds weight of tea, and 652,924 gallons of brandy had been seized and condemned; and upwards of 2,000 persons prosecuted. 229 boats and other vessels had been condemned, 185 of which had been burnt, and the remainder retained for the service of the crown. The smuggling of wine was managed with so much art, or the connivance of the revenue officers so effectually secured, that within the period of nine years, only 2,208 hogsheads had been condemned, though it appeared, from depositions on oath, that in the space of two years, 4738 hogsheads had been run in Hampshire, Dorsetshire, and Devonshire only, and on inquiry, 30 officers were dismissed, and informations entered against 400 persons; 38 were committed to jail, 118 admitted evidence, and 45 had compounded.

"Notwithstanding the facts contained in this report, and the endeavours used to enlighten the public mind, the opposition had been so assiduous and successful in the dissemination of slander and suspicion, that they looked forward with impatience to the introduction of the minister's plan, as the certain means of triumph to them, and of disgrace to him: Indeed, considering the nature of the contest, they could hardly be thought too sanguine in their expectations of the event. The members of any administration proposing measures for giving additional strength to government, for restraining the turbulent, or suppressing fraud, are open to every species of calumny, assailable by all the weapons of eloquence, wit, ridicule, personality, and misrepresentation; while in their defence, they are restricted to the use of those topics which make their impression only by force of time and experience. The majesty of argumentative eloquence, and the glare of wit, are undervalued when eloquence is supposed to be biassed by interest, and wit is divested of personality and caustic satire, which alone can make it pleasing to the multitude.

"The writers in the interest of opposition had sounded the trumpet of alarm from one end of the kingdom to the other: they asserted that the minister's plan would not tend to prevent fraud, decrease smuggling, or augment the revenue; but would destroy the very being of Parliament, undermine the constitution, render the king absolute, and subject the houses, goods, and dealings of the subject to a state inquisition. They represented the excise as a monster feeding on its own vitals; and compared it to the Trojan horse, which contained an army in its belly.

"Having by these means agitated the public mind to a frenzy of opposition, the enemies of the minister were anxious to follow their advantage, to urge him to bring forward his plan before the people had leisure for sober reflection. London, and many places in the country, had given express instructions to their representatives, to oppose the excise scheme in all its forms, and to use every method to impede its progress; and the members were so anxious to shew that they had not been unmindful of these dictates, that they seized every opportunity, long before the measure was officially announced to the house, of adding to the impressions of horror already entertained against it."

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information of those who are conversant in such affairs. As to the Scheme now talked of, I have not only examined it by myself as thoroughly as I could, but I have taken from others all the assistance and advice I could get; and in all my inquiries in relation thereto, I have chose to consult with those who, I knew, had a perfect knowledge of such affairs, and had no particular interest in view, nor any private end to serve: From those who may have by-ends of their own, I never can expect impartial counsel, and therefore I have in this, as well as every other affair, thought it ridiculous to ask their advice. Such as it is, I shall be soon ready to lay it before you; then I shall give you all the information I have had in the affair, and will be most ready to hear and receive all the information or instruction, that can be given by any gentleman in this House.

It is certain that there are daily very great frauds committed in the collecting of the public revenue, and if any way can be fallen on to prevent those frauds, and to enable the public to receive what it is now justly and legally intitled to, such a project ought to be embraced, and the author thereof, whoever he may be, would deserve the thanks of his country; for it would not only be a great advantage to the public revenue, but to every honest and fair trader in the nation; because that wherever a tax is laid on, and not collected regularly and duly from every man subject thereto, it is really making the fair trader pay to the public what the fraudulent trader turns into his own private pocket, and thereby the smuggler is enabled to undersell the fair trader in every commodity he deals in; by which all the fair traders in the nation must be at last ruined and undone.

Sir *William Wyndham* replied,

Sir;

I have not the honour of being let into the secret of this extraordinary scheme, I do not as yet know what it is; but by all that I could ever yet hear of it, I believe, when it is laid before us the question thereon will appear to be, whether we shall sacrifice the constitution to the preventing frauds in the revenue? This I take to be a very material question, and therefore I think it is absolutely necessary to have a full House; for which reason, I shall be not only for letters to the sheriffs, but also I hope that every gentleman in this House will write to such of his friends in the country as are members, and intreat them to give attendance on that important day.

Sir *John Barnard* spoke next,

Sir;

When the honourable gentleman is prepared to lay his scheme before us. I hope he will move for some general Committee; if he does, I shall not give the House any trouble; but if he moves for a Committee to consider the frauds in any particular branch of the revenue, I shall take the liberty to oppose it, because there are frauds in every branch of the revenue; and perhaps I shall be able to shew, that there are as many frauds in other branches of the revenue, as there are in those which the honourable gentleman has a mind now to take particular notice of. I must think that the attaching our inquiries at present to the frauds committed in any particular branch, is like singling out a deer from the flock, in order to be hunted down; she is to be the first sacrifice, but the whole flock are to be hunted down at last: This, I believe, is the case, and if I have been rightly informed, this scheme, in its first conception, was for a general alteration of the method of collecting the public revenue: It was for a general excise; but that, it seems, was afterwards thought too much at once, and therefore we are now, I suppose to single out only one or two branches, in order that they may be first hunted down; but the very same reason, that may prevail with us to subject any one branch of the revenues to the laws of excise, may afterwards prevail with us to subject every branch to those arbitrary laws; and as such laws are, in my opinion, absolutely inconsistent with liberty, therefore I must think that the question upon this scheme, even altered as it seems it is, will be, whether we shall endeavour to prevent frauds in the collecting of the public revenues, at the expence of the liberties of the people?

For my own part, I never was guilty of any fraud; I put it to any man, be he who he will, to accuse me of so much as the appearance of a fraud in any trade I was ever concerned in; I am resolved never to be guilty of any fraud. It is very true, that these frauds are a very great prejudice to all fair traders, and therefore I speak against my own interest when I speak against any method that may tend towards preventing of frauds; but I shall never put my private interest in balance with the interest or happiness of the nation; I had rather beg my bread from door to door, and see my country flourish, than be the greatest subject in the nation, and see the trade of my country decaying, and the people enslaved and oppressed.

Mr. *Henry Pelham* said,

Sir;

I wish this scheme, be what it will, were laid before us; for till it is, I believe we shall every day be falling into some debate or other about it, without knowing any thing of it. I do not know where the honourable gentleman, who spoke last, got his information; but as I have had the honour to converse sometimes with those who always knew most of this scheme, I can assure him, that there never was any such thing intended as a general excise, nor was there ever any design of making a general alteration in the method of collecting the public revenue. But I shall not at present say any thing farther upon the subject, because I think it a little odd to enter into debates about what we know nothing of.

Mr. *Perry*, member for London, spoke in

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vindication of the merchants dealing in the wine and tobacco trade:

After which the question was put, and the Call of the House was put off till that day fortnight; and it was ordered, "That no Member of the House should presume to go out of town without leave of the House; That no leave should be asked for any member to go out of town but between the hours of one and two: And that Mr. Speaker should write Circular Letters to the sheriffs, and stewards of the several counties of Great Britain, requiring the attendance of the Members on that day fortnight: and that the House would proceed with the utmost severity against such members as should not then attend the service of the House."

Then Mr. Sandys moved for the House to resolve, "That such Members of that House, who should absent themselves without leave of the House, should be reputed deserters of their trust, and neglecters of that duty they owed to that House and their country."

Hereupon, several members got up, some of whom as was thought to have seconded this motion; but Mr. Horatio Walpole was pointed to by Mr. Speaker, who said, "That he was against the motion the honourable gentleman had been pleased to make, as being a very extraordinary one, and such as there was then no occasion for" and therefore he moved for the order of the day, which motion was immediately seconded.

Sir *John Rushout* then said, That the motion his friend (Mr. Sandys) had made, was perhaps a little extraordinary, but it was upon a very extraordinary occasion, and not without precedent, and therefore he would be for it. To this

Sir *William Yonge* replyed, That an honourable gentleman (sir W. Wyndham) had said, That every member ought to write to his friends in the country, and desire them to give attendance; but if the motion then made should be agreed to, they might, in his opinion, save themselves the trouble, for that no member then in the country would think he had one friend in the House, if any such resolution should be made against him. Hereupon

Mr. *Sandys* said, That what he had moved for, was so far from being without precedent that there was a precedent for it very lately, and that was in the famous case of Dr. Sacheverell: that when that affair was before the House there was such a Resolution made, and from thence it was that he took the very words of the motion he had then made.

Then the question was put upon Mr. Walpole's motion for the order of the day, because of its having been seconded before Mr. Sandys's motion was seconded, and that being carried in the affirmative, the other was dropped of course.

Debate in the Lords on the Number of the Land Forces.] March 6. The order of the day being read, for the House to resolve itself into a Committee of the whole House, to consider of the Mutiny Bill,

The Earl of *Oxford* moved, "That it be an instruction to the said Committee, that they do reduce the number of forces to 12,000 effective men, including invalids, &c." His lordship was seconded by

The Earl of *Winchelsea*, who shewed the dangerous consequences of keeping up so great a number of regular forces within the kingdom in time of peace; and among many others, which he enumerated, this he said was one, "That it made ministers of state more daring than otherwise they durst venture to be, both in contriving and executing Schemes and Projects that were grievous and burthensome to the people; schemes that never could enter into the heads of any but those who were drunk with an excess of power."

The Earl of *Chesterfield* stood up and said:

My Lords;

Whatever may be the bad consequences of keeping up a great number of regular forces in any country, no argument drawn from thence can be any way applicable to the number of regular forces proposed by the Bill now before us to be kept up: by this Bill, my lords, it is proposed to keep up only 17 or 18,000 men; and such a small number is so very far from being dangerous to the liberties of this nation, that it is absolutely necessary for the preservation of our liberties, and for the support of our present happy constitution.

We must, my lords, suppose two things, before we can suppose that the regular forces kept up may be of any dangerous consequences to our liberties: we must suppose them to be so numerous as to be able to hold the whole body of the people under subjection; and we must suppose the gentlemen of the army to be all of them such abandoned creatures, as that they will join together unanimously in the wicked design of enslaving their native country: in the present case, neither of these suppositions can be made; such a small number as that of 17 or 18,000 men, can never be supposed to be able to hold the whole body of the people of Great Britain under any subjection: we have, I hope, many hundred thousands of brave men in Great Britain, who would rise in arms, and would soon swallow up such a handful of men as that of our regular army, if they should but once be suspected of joining in any design against the liberties of the people. And, my lords, I have so good an opinion of the gentlemen now employed in the army, that I cannot suppose, I believe no lord in this House can suppose, that any great part of them would join in any wicked design for the enslaving of their country; if any attempts were to be made upon our liberties, I am persuaded that the gentlemen of the army would be the first to appear against such attempts, and would join heartily, and, I hope, unanimously in the defence of their country.

The Marquis of *Tweedale* spoke next:

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My Lords;

I am so far from being of opinion that the number of regular forces, proposed by this Bill to be kept up, is absolutely necessary for the preservation of our constitution, in such a time as the present, in a time of the most profound tranquillity, that I am thoroughly convinced no such number would be necessary even in a time of the most raging war; and, my lords, for the support of my opinion, I have the experience of all past ages. In the time of the late war there was never any such number kept up within the kingdom, and yet how vain were all those attempts that were then made against our happy establishment?

The unnatural rebellion that was raised against his late Majesty, is a convincing proof how little necessary it is to keep up such a number as is now proposed: there was then a very formidable insurrection against the government, perhaps as formidable an insurrection as ever can be made against a just and a legal government, and yet that insurrection was defeated by a very small handful of regular forces, a much less number than what is now proposed to be kept up; for we all very well know that that rebellion was defeated before the arrival of any of the foreign troops, which were then brought into the kingdom. The rebels were subdued, and all were soon after obliged to submit, or to fly from their native country. I wish indeed that some other measures had been afterwards pursued, with regard to those who were engaged in that unjust and unnatural affair; the government might perhaps have made a better use of their success; for if I am rightly informed, there was not a shilling of the forfeited estates ever came to the use of the public, they were all applied to the payment of those commissioners and officers, who were employed to inquire after them.

It is not easy to determine exactly, what particular number of regular forces may be absolutely necessary for preserving a just government; but I am sure, that the best way of determining is, from the experience of past times; and whatever number may be necessary for supporting a just government, I am as sure, that any addition made to that number, is a step towards the support of an unjust and an arbitrary government. The number now proposed, is not the only thing to be regarded in the present question: it is true, there is but 18,000 proposed to be kept up, but we all know that in the manner that this 18,000 is modelled, in the manner they are kept up, they may upon any emergency be speedily augmented to 40,000 effective men: and that number, if they stood unanimously together, would, I am afraid, be able to support and render successful any attempts against the liberties of the nation, notwithstanding the great numbers of brave men we may, I hope, justly brag of still having in Great Britain.

I have as good an opinion of the officers now employed in the army, as any man can have; I have no doubt but that they would be ready to oppose any attempts against the liberties of their country, but they are not immortal; nor are we sure that they will always be continued in command, or that they will be succeeded by men of the same virtue and honour; if any prince, or any chief minister, should ever form designs against the liberties of the people, to be sure he will first model the army for that purpose; he will dismiss all the men of honour, and will put creatures of his own into their room, creatures who will be always ready to execute the most unjust, the most tyrannical commands that he can possibly give: this, my lords, may be done in a moment, and thus the nation may be undone before any man can fly to its relief.

As I have said I am thoroughly convinced that the number of regular forces by this Bill proposed, is much larger than what is necessary for the support of the government, or for the preservation of the constitution; I must therefore think that the keeping up of so great a number is a turning that civil government, under which we have for so many ages preserved our liberties, into a military sort of government, under which no country ever did, it is impossible that any country ever can, preserve either their liberties or their properties; under such a government, the possessions of every man must entirely depend upon the good-will of the chief officers of the army; the poor farmers and tradesmen must submit to be plundered and mal-treated by every common soldier, and the men of the best families in the nation may often be obliged to sue, in the most humble manner, to those who were formerly their footmen or menial servants. This, to me, my lords, is a most terrible state, and therefore I must be for agreeing to the reduction proposed.

Then the Duke of *Newcastle* spoke as follows:

My Lords;

I should be very glad to agree to the reduction proposed, or to any reduction; if I thought it any way safe for us to do so; but, my lords, I have always observed, and any lord may make the same observation from the experience of times past, that we never as yet made any reduction in our army, but what it encouraged our enemies, both at home and abroad, to make attempts towards disturbing the peace and quiet of the nation; we might perhaps with a less number be able to defeat any insurrection that could be made against the government, but then we never could be at quiet for any considerable time, the enemies of the government would be always forming plots and designs against us; and the only method for preventing any such, and for preserving peace among ourselves, is to keep up such a number of regular forces, as may take away from such men all hopes of success: the number now proposed is the least that can be thought sufficient for such a

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salutary end, and if it were much greater than it is, there would be nothing to be feared from it under his present Majesty or any of his illustrious family; the present royal family is established upon the principles of liberty, upon the principles of the revolution, and it is by such principles only that they can support themselves: the support of the present royal family, and the support of the liberties of the nation depend mutually upon one another; they so necessarily depend on one another, that neither can be destroyed without involving the other in the same destruction; and therefore I never can have any fears or jealousies of any number of forces kept up under his Majesty or any of his family.

Last year, my lords, I observed that none of your lordships declared openly against keeping up any number of forces, or any army at all; you seemed all to agree that it was necessary to keep up some regular forces, and yet I observe that all those who then appeared for a reduction, joined all together in voting against the whole Bill: they were against having any Bill at all for the punishment of Mutiny and Desertion; from whence I must conclude, that all those who were then for a reduction, chose rather to have no Mutiny Bill, nor any regular army, than not to have that number reduced which they had proposed to be reduced.

I do not know, my Lords, what the noble lord meant, when he talked of men's being drunk with an excess of power; I do not know any man that is so, or that has any opportunity of being so; nor do I know of any schemes that have been, or that are to be attempted or executed, that are either grievous or burthensome to the people. I have indeed some guess at what scheme the noble lord points at, but I believe that when that scheme comes before us, it will appear to be agreeable to the people, at least to all the honest part of the people, and it will most certainly appear to be beneficial to the nation in general. If the gentlemen who are to propose it, did not think it so, they would be in the wrong to attempt it, I am sure they never would attempt it; but if they are convinced that it will tend to the improvement of the trade of the nation, and to the increase of the revenue, I should think them very weak if they were intimidated by those clamours that have been artificially raised against it, by men whose private interest or malice has prompted them to oppose what they must know to be for the public good.

It is true, my Lords, the public tranquillity is to all outward appearance at present pretty secure, but our tranquillity both at home and abroad depends upon so many accidents, that it would be very imprudent in us to make any reduction at least for this year. Even at present there are perhaps some very strong reasons for us to be upon our guard; we may perhaps very soon have occasion for regular forces, but I cannot, my lords, explain myself; I beg leave not to do it; however, I may say, that I never will be for reduction, unless the public tranquillity shall happen to be in such a state as may be much more certainly depended on, than it can be at present.

It is certain that there are two great contending powers in Europe, between whom there is and will be a constant and a perpetual rivalship, so that it is impossible for us, to be in an absolute cordial friendship with both at one time; whenever we fall into any degree of friendship with the one, we must always expect to be at a sort of variance with the other; while we keep ourselves in a good state of defence at home, we shall always be independent of either, we need never be obliged to court the friendship of the one too much, and we may contemn any variance that we may happen to be in with the other; but if we should strip ourselves of our own proper defence, we must then trust intirely to one of those powers to defend us against the other, by which means we should soon be brought into an absolute dependence upon one of those powers, and should be obliged to join in every measure, and to agree to every thing that such power could propose to us. And as I am convinced that the number of regular forces now proposed to be kept up, is absolutely necessary for our own proper defence, at least for this year, therefore I must be against making any reduction.

The Earl of *Strafford* spoke next:

My Lords,

I shall readily grant that there is a continual rivalship between the two great contending powers of Europe; there always will, I hope, be such a rivalship; for if ever that rivalship should cease, which it never can but by one of them being swallowed up by the other, it would be an unlucky thing for this nation, as well as for all the rest of Europe; but, my lords, are we to keep up a numerous standing army as long as that rivalship shall continue? if so, we must never think of any reduction: No, my lords, that rivalship has already continued for many ages, and yet we have always supported ourselves against both, without having ever kept up any standing army; this new sort of defence has been but lately thought on, and never can be a proper defence for this nation: The only way we have to secure ourselves at home, to make ourselves considerable abroad, and to force a respect from both these contending powers, is to do as we have always formerly done, to put our whole trust in our natural strength, which consists in our fleet, and in the natural bravery of our men in general; as long as we trust to this, and observe a neutrality as to both these contending powers, we shall be courted by both; we may fall in sometimes with the one, and sometimes with the other, according as may best suit with our own interest, and with the circumstances of affairs at the time: By such a management we shall always be able to hold the balance of Europe in our own hands, and never will have any occasion either to court the friendship, or to fear the resentment of any power on earth.

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But, my Lords, if we begin to pursue contrary measures; if we be always the first to enter into alliances with the powers of Europe, and the original contracting parties in most treaties, we thereby give the power of holding the balance of Europe out of our hands; and the neglecting our fleet and our militia, for the sake of keeping up a standing army, will soon render us contemptible to every one of our neighbours, unless we resolve to keep up a much more numerous army than what is proposed by this Bill, and such a proposition will I hope never be approved of by a majority of either House of Parliament.

A Standing Army and a Military Law has, my Lords, been always inconsistent with the liberties of the people: the officers and soldiers, under such a regulation, are always obliged to give the most implicit obedience to the commands of their superior officers; they must observe and execute the orders they receive without any reserve or hesitation; they must not inquire whether their orders be according to law; if they do, they are guilty of mutiny, and may be immediately shot for any such disobedience. The chief commander of an army must always be vested with an arbitrary and absolute power over the army, and if his army be numerous, he may easily by their means extend his power over the whole people of the country where such army is kept up; and therefore, my Lords, in all countries where the people have any regard to their liberties, they ought never to keep up a greater number of regular forces than are absolutely necessary for the security of the government, and for the preservation of the country against any sudden invasion or inroad that may be made by a foreign enemy. In this country we have the happiness to be surrounded by the sea, we know how difficult and expensive it is to make any invasion upon us with any great body of men: any such invasion we must have a timely warning of, and by having our militia in good order, and our men, as they were formerly, all trained up to arms and military discipline, we should always be able to draw, upon any occasion, and in any place within the island, a great army together, to oppose our enemies; if they should happen to have the good fortune to escape our fleet at sea. In our present circumstances, my Lords, and considering the happy situation of our country, I must be of opinion, that 12,000 men are abundantly sufficient for all the good uses we can have for them, and therefore I shall give my assent to the reduction proposed.

The Duke of *Argyle* replied.

My Lords;

I agree with those lords who say, we ought to trust to our fleet; we have good reason to do so, and we accordingly do put a great confidence in our fleet. It is happy for us that we are surrounded with the sea, for otherwise, if there were any communication by land between our neighbours and us, instead of the small number of regular forces now proposed to be kept up, it would be necessary to keep up at least three times the number: let us consider the great armies that are kept on foot by our neighbours, and then we must conclude, that if they could invade us by land, a regular army of 60,000 men would hardly be sufficient for our defence; and besides this, my Lords, we should be obliged to be at a great expence in fortifying all our cities and towns, to prevent our country's being overrun by any sudden invasion, or after any unfortunate battle. These misfortunes and charges we are kept free from, by being surrounded by the sea, and as long as we have a fleet superior to any one of our neighbours, it is hardly possible for them to invade us with any considerable armament; but, my Lords, we are not to trust intirely to our fleet for protecting us against a small force; a small fleet may be so speedily prepared, an invasion with a small force may be so suddenly made, that the troops may be landed before we have any account of their embarkation; at least such a small fleet may be got out to sea, before we have any account of their design; and if they be once got into the wide ocean, it is well known how easily they may escape being met with by our fleet. If such a thing should happen, if ever a small number of regular forces should be landed, and we had no regular forces to oppose them at their landing, what would be the consequence? Why, my Lords, we might be subdued before we could have it in our power to make any resistance; for it is not to be supposed, that the militia of this or any country could make any resistance against a body of regular veterans; numbers of men are very little to be depended on; the men may be personally brave, but if they want discipline, a very numerous body of men may be easily defeated by a handful of regular soldiers: this we may be convinced of from history; this we may see, my Lords, if we but attend to what happens every day in other parts of the world.

I have, my Lords, heard gentlemen contemn the Spanish armada, which was fitted out in queen Elizabeth's time against this nation; but in my opinion, it was lucky for this country that they never got to the shore; they had, my Lords, 16,000 veteran troops on board, which were to have been reinforced with as many more as soon as the fleet could return to fetch them: I am afraid, if that armada had not met with the fate they did at sea, if they had not been dissipated by storms and winds, that wise queen would not have found a great deal of safety in the militia which she had raised, she would have found even the greatest number of them but a very unequal match for such a body of well disciplined veterans: and but lately, my Lords, we were again in great danger from the same country; then indeed they did not pretend to be a match for us at sea, and for that reason they prepared for an invasion upon us with a small number of troops; and they did it so privately and so speedily, that they might have been landed before we knew any thing of their design, if their fleet had not again been dis-

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sipated by storms: they had then, it is true, but a small number of regular forces, but few as they were, if we had had no regular forces to have opposed them, they would have been sufficient for the design, considering the great assistance they would have got from the disaffected, and the great numbers even of our own men that would have joined them at their landing: even notwithstanding the regular forces we then had on foot, we do not know what would have been the consequences of their landing, it would at least have involved our country in a civil war; our liberties, our properties, and all that is dear to us would have again been at stake, we must again have contended for them in a doubtful field of battle. Such designs, my Lords, will always be forming against us, if we reduce our army too low, and some such design or other would probably be the consequence of our agreeing to the reduction proposed.

It is certain, my Lords, that every country must have something to trust to for its defence against its enemies; it must have some force, some power to protect it against invaders; if it has not a regular army of its own subjects to trust to, there must be some other power substituted in the room thereof. For my part, I have considered this question as much, I believe, as any man ever did; I have conversed with a great many gentlemen upon the subject, and I have read, I believe, all that ever was wrote upon the head; and the whole, in my opinion, may be reduced to these three expedients, which are proposed in the room of a standing army of our own subjects; to wit, our fleet, our militia, or an army of foreign auxiliaries.

As to our trusting altogether to our fleet, the experience of all ages shews us the precariousness of such a dependence; besides the instances I have already given, we know what danger we were in, in the year 1708. The invasion designed upon us at that time might very probably have taken effect, notwithstanding our fleet, if the French commanders had had general or discretionary orders, but happily for us they had peremptory orders to land only at such a particular place; and it not being in their power to land at that place, their orders did not permit them to land at any other. In that country the custom then was, for the king's council and ministers to direct both their generals and their admirals in every particular part of their conduct; a lady perhaps gave directions to the general when to fight, and a secretary of state, who perhaps never saw a ship in his life, gave orders to their admiral how to sail: to this it was we owed our safety at that time, for by the orders their admiral had, he could not well avoid being met with by our fleet; but this was not the only thing that then saved us from having a civil war kindled up in the bowels of our native country; that invasion might have taken effect, that fleet might have sailed, and the troops might have been landed according to those peremptory orders, before we could possibly have fitted out a fleet to have intercepted them, if it had not been for a private pique or a sort of jealousy between two great ladies at the court of France, by which their preparations at Dunkirk were retarded, and their fleet kept from sailing for several weeks; whereby we had time to prepare for their reception, and to fit out that fleet which prevented their landing at the place they were ordered to.

Even the happy Revolution, my Lords, is an instance how little a fleet is to be depended on; it is well known, that king William, in his way to England at that time, came in sight of the English fleet which was well provided, and able enough to have fought him; but the winds were so contrary, that it was impossible for the English fleet to come up with the Dutch; if they had, my lords, that glorious attempt, by which we recovered our liberties, might have been defeated: by this accident we then recovered our liberties, but if we should ever resolve to trust intirely to our fleet, the same accident may hereafter be the cause of our losing them.

The second expedient proposed in the room of a standing army, is the militia: now, my lords, considering the present state of our militia, I believe, it will not be pretended that we can trust to them; I confess, my lords, that the militia of a country may be brought under such exact discipline, as to make them almost equal to any regular troops; but, I believe, such a thing is not to be done in this country: we now see how much grumbling is occasioned by the militia's being called out to exercise but once a year: and from thence we may judge what would be the consequence if they were to be called out once or twice a week, which would be absolutely necessary, in order to keep them always so well disciplined as that they might be depended on for immediate service upon any occasion. I have, my lords, often heard it insisted on, that the keeping up of a standing army raises disaffection to the government; this I cannot agree with, but from what I daily see, I must conclude, that the laying the whole militia of the kingdom under a necessity of marching out to exercise once or twice every week, would raise a most terrible disaffection against the government; and the disaffection would be the more terrible, because the disaffected would not only have arms in their hands, but would have some sort of skill in using them.

I have, my Lords, seen a great many projects for keeping the militia under a good discipline, but in my opinion, every one of them would in this country prove to be impracticable, ineffectual, or much more expensive to the public than the regular army now kept up. But, my Lords, supposing such a project to be practicable, supposing that the militia could be kept under exact discipline, what is the difference as to our liberties? Is a soldier in a red coat more dangerous to our liberties than a soldier in a black, a blue, or a white coat? For my part, I can see nothing more terrible in red

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than I can see in any other colour, nor can I think that an army in red is more terrible or more dangerous to our liberties than an army in black; I do not know, indeed, but the latter may be the most dangerous of the two; they have certainly done much more mischief to mankind, and to this country in particular. As to the power of the king, it is the same over the militia that it is over a standing army; he has an absolute command, and names all the officers in the one as well as in the other; and if he were to make any attempts upon our liberties, would it not be as easy for him to model the militia, as it would be to model the army?

As for the officers and soldiers of the army's being obliged to obey the orders they receive from their superior officers, without any limitation or controul, it is certain, my lords, they are not: they are obliged to obey only legal orders; if they should receive any illegal commands, they may disobey with impunity. If I were at the head of my regiment, and should order them to shoot a gentleman innocently passing by, might not my regiment refuse to obey any such orders? Can it be said that they would be found guilty of mutiny, or be condemned to be shot by a Court Martial for such refusal? No, my lords, their conduct would be approved of by any Court Martial, their disobedience would be commended, and the only person to be condemned, would be he who gave the illegal orders. The officers and soldiers of the army are therefore, in this as well as in most other respects, upon the same footing with those of the militia, or at least upon the same footing that the militia must be put on, before they can be made useful for the defence of the nation.

Thus, my Lords, it appears, that with respect to our liberties, a standing army of our own subjects can be no more dangerous than a well-ordered and a well disciplined militia; and by late experience we find, that they behaved after the same manner, when they found that attempts were making against the liberties of the nation: in the reign of the late king James, the army behaved in the same manner as the militia had done under his father. It is a sort of article of faith among some people, to believe that no attempts were made against our liberties in the reign of king Charles I. But, my Lords, the case is so far otherwise, that his whole reign, at least from the beginning to the year 1641, was a continued scene of the most arbitrary and oppressive measures that were ever pursued in any country in Europe; what by his court of star chamber, and by his spiritual courts (of these last, I think, my lords, we have some still remaining) did not he oppress the subject in the most unprecedented manner? Even the first set of ministers he had, began to encroach upon the liberties of their country; but after them he got a spiritual prime minister, an archbishop, who soon drove the nail to the head, and laid the people under a necessity of taking arms in defence of their liberties and privileges: That king and his ministers had taken all possible care to model the militia, he had the supreme command over them, he had named such officers over them as he thought would do whatever he pleased, but what was the consequence? When affairs were come to this crisis, that they saw they must fight either for the liberties of the people or against them, many of those officers the King had named took party against him, and the orders of those who appeared for him were in many places despised by the private men. The army under his son behaved in the very same manner, and it will always be so; in the case of a civil war, the army being part of the people, they will certainly behave as the people do; they will divide, and every man will join that party which he thinks most in the right.

Now, my lords, as to auxiliary troops, I believe no man will pretend that we ought to keep a standing army of foreign auxiliaries within the kingdom, and if we should upon any occasion call any such to our assistance, we are not very sure that they will go out again at our desire: It has been most justly observed by a very great author, that whatever country trusts her defence to foreign auxiliaries must become the slave of those in whom she puts her trust. But, my Lords, supposing that foreign auxiliaries called in to our assistance, would always leave us whenever we had a mind; yet experience has shewn us, that we cannot always depend on their coming to our assistance as soon as called. The late unnatural rebellion afforded us an instance of this; that rebellion which broke out against his late Majesty soon after his accession, and I am sure he had done nothing to deserve that treatment, he had done injustice to no man, he had made no encroachment upon our liberties, yet such a dangerous insurrection broke out against him, and we had at the same time so few troops of our own, that we were obliged to send to our allies for that assistance which they were engaged by treaties to give us: Unluckily it had happened that the Dutch, for some time before had been so much addicted to that political maxim of reducing their army, that they were not in a condition to make good their engagements to us: When we applied to them, we were answered, that they had no more than was absolutely necessary for maintaining their garrison; so that we were obliged to hire troops in Germany, and to wait till they marched down to the Dutch garrisons, before we could have a man of the Dutch troops to march to our assistance: And we had at that time so few troops of our own, that for some time after my arrival in Scotland, I had but 1600 men to make head against almost as many thousands, then up in arms in that country against the government. It is very wrong to imagine that in time of danger the whole regular army we have can be brought together, they must in such cases be divided in several detachments, and a detachment left at every place where any danger may be dreaded, so

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that even from the number now proposed, it would not be possible to form a body of five or six thousand men in any part of the kingdom, except just about the city of London.

In the late affair, the Dutch auxiliaries did at last arrive, though not till after the rebellion was in a great measure defeated. But, my lords, I shall never desire to see any more foreign auxiliaries in this country; I had been long in the service of the States General, I was once a general in their army, from whence one would expect that I might have had as much authority over their troops as any British general could have; and yet I had a very great deal of difficulty to keep them in any tolerable order: They were mighty apt to mistake a friend for a foe, especially if they saw any thing that was worth taking. I was an eyewitness of the many hardships our best subjects suffered from these foreign auxiliaries; I then did what I could to remedy them, and in order to prevent any such for the future, I shall always be against any measure, which may tend towards laying the government under a necessity of calling in foreign auxiliaries.

I cannot imagine how some people have got into that way of thinking, that the liberties of all the countries in Europe have been overturned by standing armies; I do not know one country in Europe whose liberties have been overturned by their standing army. It is a mistake to say so of the Romans; the liberties of Rome were in a great measure overturned, by the luxury and corruption that had crept in among the people long before the time of Julius Cæsar; and in his time, their standing army were so far from being the only means of overturning the liberties of Rome, that the greatest part of the standing army joined against Julius Cæsar; but he had a devilish head of his own, so that by his own good conduct, and the bravery of his troops he got the better of his enemies, though they had the greatest numbers even of regular troops of their side. If the Romans at that time had had no standing army, would not the people, would not the very mob have done the same? Every man who had courage, or who could be persuaded to go to fight, would have joined that party he liked best; the commander who could make the best use of those that joined him, would have got the advantage, and the victorious army would have had it in their power to have settled the future form of government upon what footing they had a mind.

It is the same with respect to all the other countries of Europe where arbitrary power is or ever was established. In France, it is certain that their liberties were overturned long before they had such a thing as a standing army; the oldest regiment or corps of regular troops in France is what they call the regiment of Picardie; that regiment was raised only in the first or second year of the reign of our queen Elizabeth, and it is well known that long before that time the liberties of the French people were entirely destroyed. In Spain we know that it was their priests that destroyed the liberties of the people; and it is by means of their inquisition, that their arbitrary government is to this day supported; by means of that terrible spiritual court, their priests support their own despotic rule not only over the people, but likewise over the court, and even over their army too. In Sweden, my lords, it was likewise their priests that formerly established an arbitrary rule in that country: and it was by their army that their liberties were restored. In Denmark it was a house of commons that surrendered up their liberties to the crown; they first gave up their own liberties, and thereby they enabled their king to get himself declared the absolute and the arbitrary sovereign over the whole country.

Thus, my lords, we may find that a standing army never had in any country the chief hand in destroying the liberties of their country; nor indeed can it be supposed that they ever will: can it be supposed that any man of common sense, who has a good post in the army, and has the laws of his country for his protection as long as he behaves well; can it, I say, my lords, be supposed that any such man will ever join in measures for subjecting himself to the uncontroulable will and giddy pleasure of any one man? He must know that true honour and virtue, or a faithful performance of his duty, could then be no protection to him; his life, his estate and every thing that is dear to him, must then depend on the mere pleasure of a court; and every man knows, that about courts, true honour and virtue often falls a sacrifice to whispers, to deceitful insinuations, and to false and private accusations: is it then reasonable to presume, that the gentlemen of the army, who are by their education bred strangers to the low arts and vile practices usual about courts, will ever give up that honourable dependence they have upon their own behaviour and the laws of their country, for the sake of a slavish dependence upon any court whatever: for my part, it is not possible for me to suspect any thing, and therefore I cannot from hence draw any argument against keeping up a standing army in this country.

But, my lords, it is not proposed that we should put our whole trust in the army; the number proposed is no way sufficient for that purpose; the army now proposed is only for protecting the peace and quiet of the country against sudden invasions, with a small number of troops, or against little insurrections, or rather mobs that may be raised by a few discontented subjects. But the main strength of this nation, and that upon which we principally depend, is the superiority of our fleet, and the bravery of our men in general: let us continue to preserve the present superiority we have as to our fleet, let us continue to cultivate bravery and military discipline as much as possible among our men in general; but do not let us, for the sake of groundless jealousies and pretended fears, expose the peace of our country to

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be disturbed by every neighbouring state who shall take it in their heads so to do, or by every subject who shall be prompted by his resentment or ambition to rebel against the government of his country.

The Lord *Bathurst* rose up next, and spoke as follows:

My Lords;

The noble duke, who spoke last, has spoke so fully and so well in favour of a standing army, that if it were possible to convince me that a standing army is consistent with the liberties of any country, that noble duke would have done it: I should even be afraid to rise up to offer any thing in answer to what he has so well said upon that subject, if it were not, that I think myself under a necessity of giving your lordships some reason for my voting as I shall do, in the important question now before us.

I was glad, my Lords, to hear that noble duke allow, that the militia of the kingdom might be put upon such a footing as to be useful for our defence: This I should be glad to see done, because I think it the only defence, next to our fleet, which we can with any safety trust to; and as there is no man more capable than he, for putting us in a way of making our militia useful, I wish he would give us his thoughts upon that subject; I am sure there is nothing he can offer but what will be well received and readily agreed to. As to the expence of keeping our militia under a proper discipline, I do not think that it is of any consideration in the present question, if it should amount to a great deal more than what we now pay for maintaining our regular army; it would be an argument of no weight with me against the scheme, for I am sure if the expence were greater, our power would be rendered in proportion much more extensive, and our liberties much more secure.

If, my Lords, the militia were to be put upon a proper and a right footing, if they were to be put upon such a footing as to be really useful for the defence of the country, it is not to be supposed, that the people would grumble at any charge or inconvenience they were put to upon such a necessary and reasonable account. The many loads they have quietly submitted to of late years, shew us, that they are not apt to grumble, when they are convinced of the reason of the thing; but at present they know, that the militia are of no public use, they know that the drawing them out to exercise tends to no end but that of putting money in the pockets of the officers, and therefore they grumble when they find themselves put to any expence upon such an unprofitable account.

Though the militia of the kingdom be under the command of the king, though their officers be all named by the king, yet under such a military force, our liberties must be safe: The militia of the kingdom are the people of the kingdom, and it is impossible to make use of the people for oppressing the liberties of the people; but a standing army of regular forces soon begin to look upon themselves as a body separate and distinct from the people: And if the people in general neglect the use of arms, and trust entirely to such a military force for their defence, the king, who has the absolute command over them, may easily fall upon ways and means to make use of them for oppressing the liberties of the people; by granting particular favours to such a military force, and by preserving the affections of a few men bred up to arms and military discipline, he may do whatever he pleases with the multitude who have neither arms in their hands, nor any knowledge how to use them if they had. What the noble duke said as to auxiliaries is most certainly true, those who trust entirely to auxiliaries for their defence, must always be slaves to those in whom they put their trust: It is, my Lords, for this very reason that I am against a standing army; for it holds equally true of a standing army of our own subjects, as of an army of foreign auxiliaries; whoever trusts his defence to any thing but himself, must be a slave to that in which he puts his trust; and whatever people put their whole trust in a standing army even of their own subjects, will soon come to be as great slaves as the people who put their trust in an army of foreign troops; the masters may be different, but the slavery is the same, and will be equally grievous.

I believe it never was said, that a standing army is the only method by which an arbitrary power may be established; there are, without doubt, other means by which it may be established, but I am sure that it can never be long supported without a standing army. By a political and cunning administration the people may be cheated out of their liberties; by some specious pretence or another they may be induced to give up all those barriers, which are the defence and the protection of their liberties and privileges; but the fraud will at last be discovered, and as soon as it is, the people will resume their ancient privileges, if there be no new sort of power established for protecting the arbitrary government against any such resumption, which power can never consist in any thing else but a standing army of some kind or other.

A standing army must therefore, my Lords, be of dangerous consequence to the liberties of every country. In some free countries there may be at least a shew of reason for their submitting to such a danger, but in this country there cannot be so much as a shew of reason; we have a fleet superior to that of any of our neighbours, and we know how difficult it is for any of our neighbours to invade us with a considerable force; such designs must always be discovered long before they can be ready for execution; and as long as we preserve a superior fleet, we shall always have it in our power to prevent the execution of any such design; but granting that they should by any strange fatality or negligence, escape our fleets at sea, yet still we should have time to prepare for

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their reception; if our militia be always kept in good order and under a proper discipline, they will be sufficient for our defence against any power that can be brought against us, as long as the king is possessed of the affections of the people in general, and those he can never lose so readily as by despising the people, and trusting entirely to his standing army.

As for those small invasions which the noble duke was pleased to mention, what though they had landed? What would have been the consequence? I hope, my lords, it is not to be imagined, notwithstanding the contemptible state to which our militia has been by neglect reduced, that this country is to be conquered by 6 or 7,000 men. Even the late king William, though he had escaped the English fleet, where it is supposed he had a good many friends, though he had double that number of men, and though he got all his troops safely and without opposition landed upon the English shore; yet, my lords, upon his seeing so few come in to join him upon his first landing, he was very near going off again. It is not an easy matter to bring about a revolution against an established government; but it is still much more difficult to come in as conquerors, and pretend to subdue such a poweful and populous country as this is. And if the great king William, who came to relieve us from slavery and oppression, who brought along with him so great an army and so powerful a fleet; if he, I say, was so doubtful of success upon his first landing, what have we to fear from any small invasion? Surely from such the nation can never have any thing to fear; whatever such a government as that of king James's was, might have to fear from such invasions when encouraged, called in and supported by the generality of our people at home. This is a case which I hope never will again happen; it is a case against which we are not to provide, and for these reasons I shall be for agreeing to the reduciion proposed.

As to our armies not being obliged to obey any but legal orders, I do not know, my lords, whether it be so or not; but in my opinion the noble duke has given us a good hint for an amendment to the bill; this word, *legal*, ought certainly to be put in, and then in case of any disobedience to such orders, a council of war would certainly have it in their power to examine first into the legality of the orders given, as to which there may be some doubt as the bill stands at present; it may be at least alledged that as the bill now stands the council of war would be obliged to pass sentence against the soldiers for mutiny, whatever they might afterwards do with the officer who gave the illegal orders.

The Lord *Carteret* spoke as follows:

My Lords,

So many lords have spoke so well in favour of the reduction proposed, and have so fully answered all the objections made against it, that I should not have given your lordships any trouble on the present occasion, if it had not been that I now find, that not only a standing army, but an army of the full number we have at present on foot, seems to be made a part of our constitution: The old pretence of continuing the same number of regular forces for one year longer, seems now to be laid aside: His Majesty in his speech from the throne told us that the public tranquillity was now so fully established, that he had no other reason for calling us together but only for the ordinary dispatch of the public business; and must this, my lords, be looked on as a part of the ordinary business of the year? Must the continuing of a standing army of 18,000 men, the time of peace, be a part of that business which is yearly to pass of course in parliament? It has been a long time continued from year to year; but if it once comes to be an affair which is yearly to pass of course, wherein will it differ from those standing armies by which the liberties of other countries have been undone?

A standing army alone may not perhaps be sufficient for bringing so great a misfortune upon a people; there must be other causes concurring; but it may be averred, that in all countries where arbitrary power and abject slavery have been introduced, the fatal change in the constitution has been owing to a numerous standing army, a great number of officers of the revenue, and a prostitute clergy; and even these three concurring together, must require some time before they can get the better of the liberties of a brave people: The army must be so long kept up, and modelled in such a manner, as to be entirely dependent on the crown; it is not to be supposed, that the officers and soldiers of an army raised from among a free people, can be immediately divested of all those notions of liberty, with which they were endowed when they first listed in the army; but if they have a brave and cunning commander, this may be done in a few years; the generality of them may be soon made regardless of every thing but the will and pleasure of him who can prefer them to a superior command: A large revenue and many officers cannot be at once established upon a free people, this must be done by slow degrees, and requires many plausible pretences: And it is to be hoped that the honour and virtue of the clergy would stand some little shock, they could not at once be brought to that degree of prostitution, which is necessary for the establishment of arbitrary power.

At present, my Lords, we may depend upon his Majesty; we are convinced that he will not attempt to encroach upon the liberties of his people; we may likewise depend on it, that our present army would not support any such measures, were they to be attempted; his Majesty has been so good as to employ men as officers in the army, whose honour and integrity we may depend on, but we are not sure of having always a king so wise and good, or an army of so much virtue and honour; and under the

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best of kings we ought to provide against the worst.

I do not say, my Lords, that we are now in any immediate danger of losing our liberties; but I say, that we are getting into that way by which the liberties of every country have been undone; we are establishing the custom of keeping up a standing army in time of peace; we are every year increasing the number of the officers of the revenue, what will the consequence be? I tremble to think of it! We are not indeed under any danger while his present Majesty lives to reign over us. But will not every succeeding king say, why will you treat me worse than my predecessor? Why will you refuse to grant me that number of regular forces, or that revenue which in some circumstances you granted to my father? And we well know my lords, how complaisant parliament generally are in the beginning of a reign; they are generally more apt to increase both the revenue and the army of the crown than they are to diminish either; and if an ambitious prince should succeed to the crown, supported by such a numerous standing army as what is now proposed, so long kept up as to have formed themselves into a different body from the people to whom they belong, and with such a crowd of officers of the revenue as we have at present, all depending upon him and removable at his pleasure, what may he not do?

I am surprised, my Lords, to hear it said, that standing armies have had no hand in the overturning the liberties of the several countries of Europe. It is true that the most numerous army can be of no dangerous consequence to the liberties of any country, as long as it depends upon a great many heads; an army can never be of dangerous consequence, till it comes to be entirely dependent upon one man, and that it generally does when it is long kept up, more especially if any one man comes to get the whole power into his hands both of paying the army, and of naming and preferring the several officers employed therein. Julius Cæsar had too long a head not to be sensible of this, and therefore he procured himself to be sent into Gaul; there he continued for several years at the head of numerous conquering armies, and having got into his own hands both the power of paying and preferring in his army, he soon managed it so as to make them entirely obedient to him; then he commanded them to march against, and with them he conquered his country. If there had been no standing armies of either side, the consequence could not have been the same, though a civil war had broke out; the armies newly raised by each side must have had a dependence upon a great many chiefs, and which ever side had got the victory, the chiefs would have taken care of the liberties of their country; they would have settled them upon the ancient foundation, or upon a better, if any better could have been contrived.

In Spain it was likewise by such an army that their liberties were destroyed; the inquisition, it is true, was set up much about the same time, and in all countries an inquisition of some kind or another generally accompanies arbitrary power; there may be courts of inquisition with regard to civil affairs as well as religious, and all inquisitions are at first established upon some plausible pretence. The banishing of the Moors and Jews out of his kingdoms, was the pretence made use of by Ferdinand then king of Spain, but the extending of his own power was the latent and the chief reason: The inquisition was not, however, the chief cause of the loss of the Spanish liberties, it was only a consequence, for before the setting up thereof, he had got the absolute command of a great army which had been kept up for several years under pretence of their war with Portugal, whose then king laid pretensions to the crown of Spain; and by keeping his country in continual wars, he found pretences to keep up a standing army, with which, it is true, he conquered and banished the Moors, but he therewith likewise conquered the liberties of his country: and the chains of the people were soon after riveted by a priest, a cardinal prime minister, who completed the cruel work which Ferdinand by his army had so successfully begun.

In France too, my Lords, it was by Standing Armies chiefly that their liberties were undone; it was not, indeed, by armies modelled as they have them at present, but it was by altering the ancient military force of the kingdom that their liberties were destroyed; it was by their king's taking the army 'à sa Solde,' as they call it; for anciently the military force of that kingdom depended chiefly upon the nobility or great princes: their armies were composed of the troops sent to the general rendezvous by the several princes of the kingdom, who generally paid their respective troops; or if at any time they had them maintained at the public charge, yet each prince retained in his own hands the naming and preferring the officers employed in his troops, and therefore no one man could ever procure to himself an absolute command over the armies of that kingdom. But at last this laudable custom was laid aside, the king got into his own hands the whole power of raising and paying the armies to be employed for the defence of the kingdom; and though for some time after he had no money for that purpose but what was given him by the states of France, yet we may really look upon this change as the beginning of the French slavery. However for a long time after this the kings of France could never prevail with their states to provide them with money for continually keeping up a numerous standing army; their armies were raised only when they had occasion for them, and as soon as the danger was over their armies were dismissed; and yet, my lords, they had for some part of that time a Pretender to their crown; our Edward the 3d then claimed to be king of France, and he, my lords, was a very terrible pretender; yet even by that imminent danger

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they were then exposed to, they could not be induced to keep up a standing army; they never had any thing but militia, or troops raised as occasion required, and with these they at last banished the English quite out of their kingdom.

But as soon as the kings of France got thus free of an enemy within the bowels of their kingdom, they thereafter took occasion of every foreign war that happened to encroach a little further upon the liberties of their subjects, to multiply taxes and tax-gatherers upon them, and to get the armies of the kingdom more and more under their command: in all which they succeeded beyond expectation, by a most stupid indolence that then reigned among the nobility of France, and yet that nation still retained some remains of liberty, till a priest, cardinal Richlieu by name, gave their liberties the last stab. He indeed was a great minister, and a great politician, though he oppressed the subject at home, yet he not only supported but raised the grandeur of the nation abroad; he committed no blunders in his administration, nor did he submit to any foreign power in the treaties or negotiations he had with them; and we may remember that in his Political Testament, he left it as a maxim, that the King ought never to part with any tax he has once got estalished, even though he has no use for the money; because by giving up the tax he loses the officers that are employed in the collecting thereof.

This great prime minister was succeeded by another priest, a foreign priest, who had all his bad qualities but none of his good; so that by his misconduct France was soon involved in a civil war, and it is said that one of the greatest men of France at that time, and one of the greatest generals of the age he lived in, told the Queen Regent, that she had a fellow at the head of her affairs who for his crimes deserved to be tugging at the oar in one of her gallies. But the arbitrary power of the king of France had by his predecessor been so firmly established, that it could not be shaken even by the many blunders he was guilty of; the nation however was not yet rendered so tame, but that it was a long while before they would quietly submit to that cardinal's administration; and we must allow that even but lately there has a noble spirit of liberty broke forth in that country, such a spirit of liberty, my Lords, as might probably reinstate the people in the full enjoyment of their former liberties and privileges, if it were not for the great standing army now kept up in that country.

In Denmark, my Lords, it was their nobles that were the occasion of the loss of their liberties; they had for some time thrown the whole weight and charge of the government off of themselves, and had laid it on the necks of the Commons; the whole expence of the public they had for some time raised by taxes which fell chiefly upon the poor people, and to which they contributed but a trifle: and the Commons being quite tired out with these oppressions and unjust exactions, resolved at last to put the whole power into the hands of their sovereign; so that whilst the nobles were sitting and contriving ways and means how to load the poor tradesmen and manufacturers with such taxes as did not much affect them, they were sent for to the castle, and there were obliged to join in that deed by which an absolute power was put into the hands of the King, who could not make a worse use of it than they had done: this was the method by which arbitrary power was established in Denmark, but it has ever since been supported only by a standing army.

In Sweden, my Lords, their liberties were not only destroyed but they were again restored by their army; in this last change, my Lords, that country had the good luck to be most singularly happy, but how was that most strange and extraordinary turn of their affairs brought about? I have some reason to know it, because I was in that kingdom when it happened. The late king of Sweden, my lords, is well known to have been the darling both of his nobles and commons; he was so much the darling of the whole Swedish nation, that almost every man in it was at all times ready to sacrifice both his life and his fortune in his service, and therefore he had no occasion to model his army for any bad purpose; he had employed none as officers in his army, but the nobility and quality of the kingdom, or such whose merit and services fully intitled them to whatever preferment they were honoured with by him. His prime minister however got at last too great an ascendant over him. Baron Gortz I mean, my Lords, who was a man of no high birth, nor any super-eminent qualities; yet by his cunning he got such a power over his master, that nothing was done without him, no post, civil or military, was bestowed but according to his direction; the men of the best quality in the kingdom, the greatest generals in the army, were obliged to submit, and to sue to him even for that which they were justly intitled to; if they shewed him the least neglect, they immediately lost all interest about the king; if any one of them disobliged the first minister, he might perhaps be allowed to keep his post in the army, he was made use of when they had occasion for his venturing his life for them; but from the moment he disobliged the king's prime minister, he could not so much as make a subaltern officer; on the contrary his recommendation was a sure bar to any man's preferment.

The nobility, the generals, all the chief men in the army were sensible of this slavery they lay under, and were resolved to free themselves therefrom if possible; but their government was then absolute, there was no way of coming at relief, but by making their king sensible of the discredit that accrued to him, by allowing himself to be so much under the management of any one man: They knew their king to be a man of judgment and penetration, and therefore a great number of them resolved at last upon venturing to present a memorial to him upon that head. This memorial, my Lords, was actually drawn up and signed, and was ready to have been presented, when that brave

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king was killed by a random shot from Frederickstadt which he was then besieging.

If the king had lived to have received this memorial, we cannot judge what might have been the consequence; notwithstanding its being signed by so many of the nobility and chief commanders, notwithstanding the king's judgment and penetration, his affection for his minister might have got the better of the respect he owed to such a number of his nobility and generals; and if so, as he was a most absolute prince, the memorial would have been doomed to be a seditious and a treasonable libel, and some of them would certainly have paid with their heads for their presumption; but the king's death rid them of this danger, and the prime minister who had done so many ill things, was immediately seized, tried, condemned and executed under the gallows.

By this piece of public justice, the nobles and the generals of the army, whom he had principally offended, were satisfied, they did not desire to pursue their vengeance further than the grave; but, my Lords, the clergy of that kingdom, those men who but a few weeks before were his most humble slaves, those men who would have deified him if the Christian religion had not stood in their way, they had a mind to shew a superior degree of zeal, they petitioned in a body that his corps might be buried under the gallows.

By the king's death the slavish dependence of the army was at an end, there was then no one man who could pretend to any absolute sway over the army; and as it was generally commanded by the nobles of the kingdom, they had it fresh in their memories what inconveniences both they and the whole nation had been subjected to by the absolute and uncontroulable will of their former king; as there was no one of them that could have any hopes of succeeding to his arbitrary power, therefore they all resolved to put both the government of the kingdom, and the command of the army, upon a new and a very different footing. As to the government of the kingdom, they established a limited monarchy, and finding that they must necessarily keep up a standing army to defend their large frontiers, they therefore resolved, in order that the army might not be entirely dependent on the crown, that for the future the officers thereof should have their several commissions, 'Quamdiu se bene gesserit.' This regulation a nobleman of that country told me, they took from the regulation we have in England with respect to our judges.

It is, my lords, a wise and a necessary regulation; it is a regulation that ought in every country to prevail, wherever a standing army makes a part of their constitution: in all such countries the officers' commissions ought certainly to be 'Quamdiu se bene gesserit,' and preferments ought to go in course according to seniority, some few cases excepted; for it is hard that a gentleman who has nothing but his commission to depend on for his daily bread, should be obliged either to forfeit his commission or his hopes of preferment in the army, or otherwise to do what he knows to be inconsistent with the law and liberties of his country.

I hope, my lords, that a standing army shall never come to be a part of our constitution, but if ever it does, I will say that without such a regulation as I have mentioned, we shall then have nothing to depend on for the preservation of our liberties, but the honour of the army, the integrity of the clergy, and the vigilance of the lords.

From what I have said, my lords, it is apparent that a numerous standing army must always be of dangerous consequence to the constitution of this country; and I leave it to every man to judge, whether we ought to expose our constitution to such a danger, for the pretended apprehensions of any insurrection at home, or of any invasion from abroad? As to insurrections at home, we are in no danger of any such as long as his Majesty reigns in the hearts and affections of the generality of his subjects; and as to invasions from abroad, I think the little success the many designed invasions, mentioned by the noble duke, has met with, is an unanswerable argument for shewing us that we ought not to be under great apprehensions of any such in time to come; and that we ought not to subject ourselves to any thing that may be in the least dangerous to our constitution, for the sake of a danger which experience has shewn to be so very inconsiderable.

If we should ever be threatened with a formidable invasion, we should have time to increase our army to any number we pleased; we should even have time to discipline that army before we could be attacked by any great force, and thereby we should be in condition to defend ourselves at land, if our enemies should have the good luck to escape our fleets at sea: and as to any small and unforeseen invasion, if ever any such should be intended against us, they may probably meet with the same fate that the former have done; but if they should meet with better luck, if they should come safe to land, they could not bring above five or six thousand men, our fleets would prevent their being reinforced, and surely an army of 12,000 men in Great Britain, and another of equal number in Ireland, would be sufficient to give a good account of any such contemptible invaders.

It is not now, my lords, proposed to disband our army entirely; it is not proposed to throw out the Bill now before us; we are for keeping up as great a number as may be necessary for preserving the peace and quiet of the kingdom; but we are against keeping up such a number as may be dangerous to our constitution. Though the lords who were last year for a reduction, voted against the passing of the then Mutiny-Bill, it is not from thence to be concluded, that they were against any Mutiny-Bill, or any number of regular forces; they were against the whole Bill as it then stood, but if that Bill had been thrown out, another might have been brought in according to their liking, and that

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new Bill would then have been unanimously agreed to.

The Earl of *Ilay* stood up and said:

My Lords;

Whatever some lords may be pleased to say about an army continued from year to year by Parliament, there is certainly a very great difference, my lords, between such an army and an army continued at the sole pleasure of the crown. It has, I think, been granted on all hands, that while our army is commanded by such officers as it is at present, while men of fortune and figure have the command of the army, our liberties are secure; but it is said, that these officers may be turned out, this army may be so modelled and garbled as to be made fit for any bad purpose: this, my lords, I shall easily grant might be done, if our army were to be established for any number of years; if it were to be continued at the sole pleasure of the crown, an ambitious prince might be able to model it so as to make it subservient to his arbitrary views; but while it is continued only from year to year by Parliament, this is impossible to be done. It is no easy matter to model an army so as to make it fit for such purposes; we know how difficult it is to know the private sentiments of men's hearts; in such cases men often conceal their real inclinations under the cloak of a feigned zeal for the direct contrary opinion, which would make it very difficult for a government that had any designs against the liberties of the people, to know what officers were to be turned out, or who were proper to be continued, or to be put in the room of those turned out. It would be impossible to accomplish this in a year's time, and if any such practices were begun, if any steps should be made towards modelling the army for a bad purpose, the Parliament at their next meeting would most certainly take notice of it, and would apply a proper remedy before it could be possible for any prince or administration to make the wound incurable; and therefore, my lords, I must still be of opinion, that our army, while it is continued from year to year by Parliament, cannot be of the least ill consequence to our constitution, were it much more numerous than what is now proposed.

On the other hand, my lords, the danger of reducing any part of our army is very great: we know that such reductions have often been attended with designed invasions or insurrections against the government; this is a danger we know by experience, and therefore in common prudence we ought not to come into any measure, by which our country may be again exposed to such a danger. It is probable that none of those invasions lately intended against us would have been successful, though they had got safe ashore; I hope no such ever will; but every one of them, if they had landed, would have thrown the nation into terrible convulsions. Is then, my lords, the peace and quiet of our country of no consideration? shall we expose our country to frequent alarms and confusions, for the sake of avoiding and imaginary danger, a fear which can have no foundation, as long as our army is continued only from year to year by parliament?

We know, my lords, that there is a party in the nation disaffected to the government, there always will, I am afraid, be such a party; and they, or at least a great many of them, will always join any invasion that can be made upon us: even out of charity to them we ought not to afford them any hopes of success, by disbanding a part of our army; while they have no hopes of success they may grumble a little in private, but they will never venture to rebel openly against the government, and while they continue in a peaceable state, they may live easily as subjects, they will at least preserve their lives and estates from being forfeited by the law; whereas if we reduce our army, it will encourage foreigners to invade us, it will encourage the disaffected to rebel against the government, the nation will never be free from alarms, and we must be every now and then executing, or at least forfeiting some of our countrymen, perhaps some of our relations.

The Earl of *Bristol* spoke next:

My Lords,

I have often heard the present argument debated in parliament; I was one of those who were the cause of the army's being reduced so low after the peace of Ryswick, perhaps I repented of what I did at that time, because of the turn that the affairs of Europe took soon after: but I am fully convinced, I never shall have occasion to repent of being for the reduction now proposed. For my part, my lords, I cannot but say, that the question now before us puts me in mind of what happened to a farm house of mine in the country: the wall of the house upon one side had failed, and the house had sunk a little; yet it might have stood for many years without any necessity of pulling it quite down in order to be rebuilt, for which reason, I believe, I should have then contented myself with repairing it a little, and adding some butteresses to that wall which had failed; but some workmen persuaded me, that they could raise it up, and repair the wall without pulling the house down, and I being prevailed on, to work they went; but in planting posts and other engines to raise up that side which had sunk, I do not know how, whether by design or by the unskilfulness of the workmen, they raised the house so high on that side, that they tumbled it quite over.

At last the question being put upon the earl of Oxford's motion, it was carried in the negative.

The Mutiny Bill passed.] March 8. The Bill was read the third time and passed.

Protest against it.] "Dissentient"

"For the reasons entered on the journal last session, against the number of men, then and now to be established, which reasons we refer to, and think the circumstances

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of time now, do by no means lessen the force of them.—*(Signed)* Bruce, Montjoy, Bathurst, Foley, Berkshire, Strafford, Litchfield, Bristol, Masham, Gower, Northampton, Coventry, Oxford and Mortimer."

March 7. Sir Robert Walpole moved and carried, "That this House will, upon this day sevennight, resolve itself into a Committee of the whole House, to consider of the most proper methods for the better Security and Improvement of the Duties and Revenues already charged upon, and payable from, Tobacco and Wines."*

Debate in the Commons concerning a Petition from Rhode Island and Providence, against the Sugar Colony Bill.] March 8. A Bill was brought in pursuant to the resolutions of the House in February last, in relation to the Sugar Colonies; upon which

Sir *John Barnard* opened to the House a Petition of Richard Partridge, agent for the colony of Rhode Island and Providence plantations in America, against the said Bill; and moved for leave to bring it up, in which he was seconded by Mr. Perry, but opposed by

Sir *William Yonge*; who stood up, and spoke as follows:

Mr. Speaker;

The Petition which the honourable member over the way has now in hand, is, I find, a petition praying for leave to be heard against a Bill now depending in this House, by which some certain duties are to be laid on several commodities mentioned in the Bill. I believe, Sir, it has been the constant usage of this House for many years, to receive no petitions against duties to be laid on; but as there are none who understand better than you, Sir, the practice of the House in such cases, therefore I shall in this submit entirely to your determination, and hope you will give us your opinion thereupon. However, Sir, I must take notice of another thing, which I observe in the petition as it has been opened by the honourable gentleman; they therein tell us, that as to the Bill now depending before us, they apprehend it to be against their charter. This, I must say, is something very extraordinary, and, in my opinion, looks very unlike aiming at an independency, and disclaiming the authority and jurisdiction of this House; as if this House had not a power to tax them, or to make any laws for the regulating of the affairs of their colony; therefore, Sir, if there were no other reason for our not receiving their petition, I should on this single account be against giving leave to bring it up.

Lord *Tyrconnell* replied,

Sir; I cannot agree with the honourable member who spoke last, for I shall never give my vote for rejecting a petition before I know what is in it; and this I cannot know till I hear it read. The question now before us, is not, whether the desire of the petition shall be granted or no? After the petition is brought up and read to the House, we may then judge whether the desire thereof be reasonable or not, and may accordingly grant or refuse it, but the refusing to have the petition brought up and read to the House, seems really to be a determining the desire of the petition to be unreasonable, before we know what it is; and therefore, Sir, I shall be for having it brought up.

Mr. *Winnington* spoke next.

Sir; I stand up to speak to order and to the method of proceeding in this House; it has been a custom always observed in this House, not to receive any petitions against those Bills which were brought in for the laying on of any new duties; I do not indeed say but that there may be some instances to the contrary, but I am sure they are very rare, and never happened but upon some very extraordinary occasion; for if we were to receive all such petitions there would be such multitudes of them against every such Bill, that the nation might be undone for want of an immediate supply for the public use, while we were sitting to hear frivolous petitions against those Bills brought in for granting that supply. The honourable gentleman near me took notice of the petitioners pretending, that the Bill now before us is against their charter; I hope, Sir, they have no charter which debars this House from taxing them as well as any other subject of this nation; I am sure they can have no such charter; but if it were possible, if they really had such a charter, they could not say that the Bill now before us were any infringement of it, because the tax to be thereby laid on, is no tax upon them, but a tax which is to be laid upon the French only; and shall this House, Sir, receive any petitions, or hear any reasons that can be offered, for not taxing the French, more especially when the tax to be laid upon them will most evidently tend to the encouragement of our own sugar colonies? I hope, Sir, no such petition will ever be so much as be allowed to be brought up or presented to this House.

Sir *John Barnard* answered;

Sir,

The Petitioners do not pretend to say, that the Bill now depending is against their charter, nor did I say any such thing when I opened the petition to this House; at least if I did I am sure I did injustice to the Petition, for the words of it are, 'That they humbly conceive, that the 'Bill now depending, if passed into a law, would 'be highly prejudicial to their charter.' But, Sir, I am really surprized at the method of rea-

* "On this occasion, all the arts and influence of opposition were called forth to excite clamours against the measures. Not only the members solicited the attendance of their friends, but letters were delivered by the beadles, and other officers in the parishes and wards of the city, to induce a numerous party to assemble at the doors, and in the avenues to the House, to overawe the proceedings of the legislature. Walpole was apprized of these proceedings, but not to be deterred from the prosecution of his design."—Coxe's Walpole.

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soning made use of by the two honourable gentlemen, who have appeared against the bringing up of this petition: one of the honourable gentlemen says, that the Petitioners are aiming at an independency, and are disowning the authority of this House. This, Sir, in the present case seems to be a very odd assertion; is not their applying by petition to this House, as direct an acknowledgement of the authority of this House, as can be made by men? The other gentleman says, that the Bill now before us is a Bill for taxing the French only; this seems to be as odd an assertion as the other; does the gentleman imagine that the tax paid in this island upon French wine, is a tax upon the French? Does not every body know, that the whole of it is paid by the consumers here? It is so far from being a tax upon the French, that they have considerably raised the price of their wines since the high duties were laid on them here. As to the matter of form, Sir, I do not pretend to be a great master of it; but since I have had the honour to sit in parliament I remember, that several petitions have been received against duties to be laid on: however granting that it were a constant and perpetual rule not to receive petitions against such duties, yet certainly that rule could relate only to those duties, which were to be laid on for raising money for the current service of the public, it could not be presumed to relate to those duties, which were to be laid on for the regulation of trade only; and this last is the case now before us. The duties to be laid on by this Bill are so far from being duties for the supply of the government, that I do not believe that even those gentlemen, who appear so fond of the duties to be laid on by it, so much as expect or wish that any money shall be thereby raised for the use of the public; the Bill is not intended for any such end; it is rather in the nature of a prohibition, and it was never pretended that no petitions were ever to be received against a Bill for prohibiting any sort of commerce.

It may be the case, that this House has sometimes refused to receive petitions from some parts of Britain against duties to be laid on; but this can be no reason why the petition, I have now in my hand, should be rejected: the people in every part of Great Britain have a representative in this House, who is to take care of their particular interest, as well as of the general interest of the nation; and they may, by means of their representatives in this House, offer what reasons they think proper against any duties to be laid on; but the people, who are the petitioners in the petition I have now in my hand, have no particular representatives in this House; and therefore they have no other way of applying or of offering their reasons to this House, but in the way of being heard at the bar of the House by their agent here in England; therefore if that general rule of not receiving petitions against duties to be laid on, be ever to be receded from, the case now before us ought to be an exception to the general rule.

Mr. *Conduit* replied,

Sir, I apprehend it has always been the custom of this House, I am sure it has been the custom ever since the revolution, to refuse receiving petitions against any duties to be laid on, and that without any distinction whether the duties to be laid on were for the raising of money, or for the regulation of trade: as our colonies are all a part of the people of Great Britain, they are generally represented in this House as well as the rest of the people are; and in all the resolutions of this House, a due regard will certainly be had to the particular interest of every one of them, so far as it is consistent with the general interest of the whole, for which reason I can see no occasion for making an exception as to them; and therefore I cannot but be of the same opinion with those gentlemen, who are for refusing their consent to the bringing up of this Bill. As for the duties on wine, mentioned by the honourable gentleman who spoke last, though they are paid by the consumers here, yet they may be looked on as a tax upon the French, for if it were not for those duties, a much greater quantity of their wines would be consumed here than there is at present, and consequently they would thereby draw a much larger sum of money out of this nation than they now do; and as to the advance of the original price of their wines, there are a great many other causes it may be owing to, but it never can be owing to the diminution of the quantity consumed.

Mr. *Pulteney* spoke next:

Sir; I do not pretend to be a master of form, but I believe there may be many precedents found, for justifying the House in receiving the petition now offered to us. I very well know, Sir, how great a master you are of the forms and methods of proceeding in this House, and therefore I shall always be as ready as any gentleman in the House, to submit to your opinion when any such question arises; but I cannot think, Sir, that any of your friends would desire you to give your opinion thus upon a surprize, in a matter which seems to be so much contested; nor do I believe that you would be ready to comply with any such unreasonable desire; if you should once give your opinion in any such dispute, I should be afraid afterwards to inspect the journals of the House, lest they should be found to contradict the opinion you had given: But if we are to search for precedents, I am sure that as to the present case, there will be no occasion for going any farther back than the revolution. Before that time I believe we can find few or no precedents any way relating to the question now in hand, because parliaments were not then so frequent, and taxes very rare. Let any gentleman but look into the Statute Books lying upon our table, he will there see to what a vast bulk, to what a number of volumes, our statutes relating to taxes have swelled since the Revolution; and how thin, how few the volumes are, that contain all the statutes relating to taxes that

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ever were made before that time: it is monstrous, it is even frightful to look into the Indexes, where for several columns together we see nothing but Taxes, Taxes, Taxes! It is true, Sir, when gentlemen reflect on the many blessings we thereby enjoy, when they consider the many advantages we reaped by the Revolution, they will think that we could not pay too dear for so happy a turn in our affairs.

As to the question now before us, I cannot see why it should be so much debated, I cannot see why the receiving of this petition should be so much opposed, unless it be that the rejecting of this petition, is to be made use of as a precedent for receiving no petitions against a certain scheme, which we expect soon to be laid before us: this, I am afraid is really the case; for then gentlemen, who are not much masters of form, gentlemen who are but little conversant in the Journals of the House, may quote a precedent of but a few days standing, for not receiving any petitions that may be offered against that scheme; I do not indeed know whether there will be any such petitions, but if I may judge by the spirit which has already appeared in the nation, I can make no doubt but that petitions will be sent up from all parts of the country against that scheme.

Sir *Thomas Aston* said,

Sir; As to the point of form which is now the subject of debate, I cannot venture to give my opinion thereon, but I am surprized that the honorable gentleman should have any apprehensions of our refusing to receive any petitions, that may be offered against the scheme he hinted at: For whatever objection there may be against the House receiving any petitions, that are offered against duties to be laid on, there cannot surely be any objection against our receiving petitions, that may be offered against a new and a dangerous method of collecting duties already laid on.

Mr. *Sandys* stood up again, and said,

Sir; Since gentlemen seem so much to differ as to the point of form, I shall move, That a Committee may be appointed to search precedents, in relation to the receiving or not receiving petitions against the imposing of duties; for as some gentlemen have affirmed it to have been the constant usage of this House ever since the Revolution, to reject all such petitions, I must take the liberty to affirm the fact to have been otherwise; and it is so far otherwise, that if my motion be agreed to, I believe more precedents will be found for receiving, than for rejecting of such petitions.

This motion was seconded by Mr. Heathcote, and thereupon sir John Barnard desired to withdraw the motion he had made: But that being opposed, and some debate arising as to that point, Mr. Speaker acquainted the House of its being their constant rule, that when any motion is once made and seconded, the question, if insisted on, must be put upon that motion; it could not be withdrawn without the leave of the House: hereupon the previous question was moved for, and carried in the affirmative by 140 to 112. Then the question was put for bringing up the petition, which passed in the negative: after this the question being also put for searching of precedents, it passed in the negative.

Debate on Mr. Horatio Walpole's Motion for laying a Duty of 5s. per Gallon on all Foreign Brandies, for encouraging the Manufacture and Export of Home-Made Spirits.] March 9. The House went into a committee, to consider of the most proper methods for encouraging the Manufacture and Export of Home-made Spirits: and

Mr. *Horatio Walpole* opened the debate with the following speech:

Sir,

As we are now in a committee for encouraging Home-made Spirits, it may not be improper for us to take into our consideration the duties payable on French Brandies and other foreign spirits: As the laws now stand, the duties payable upon French brandies amount in the whole to about 6*s.* 5*d.* per gallon, which has always been looked on rather as a prohibition, than as a duty to be fairly and honestly paid either by the importer or consumer; and indeed it has in fact been always found to be so, but few or none have ever paid that duty; those brandies have always been smuggled and stole in upon us, notwithstanding all the methods we could ever take to prevent it; or they have made use of an artifice to evade the laws, which is this: As the laws stand at present, the duties payable upon Flemish brandies amount in the whole but to 4*s.* per gallon, and as it is not possible to distinguish Flemish brandies from French brandies, therefore great quantities of French brandies were carried first to Rotterdam, and from thence imported upon us as Flemish brandies; after that they were carried to Ostend, and from thence imported as Flemish; and now for some years past, they have been carried to Dunkirk, and from thence brought to the several ports of Britain, and entered as Flemish brandies.

As this practice is, Sir, an evasion of the laws in being, it ought certainly to be remedied, and the manner how, will be the proper question now to be considered; if the duties now payable upon French brandies should be laid on all foreign spirits, it would not only encourage the smuggling and running trade, but it would be a prejudice to our own distilling trade, for our distillers are under a necessity of mixing up a certain proportion of French brandy with our English spirits, in order to make them fit for use either at home or abroad; and therefore if such a duty can be thought of to be laid upon all foreign spirits, as will prevent their being sold in this country so cheap, as to interfere with the consumption of our home-made spirits, and yet not disable us from importing honestly and fairly as much as our distillers may have occasion for in the manufacture of our home-made spirits, I hope gentlemen will readily come in

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to such a proposition.—In order, Sir, to make such a proposition to this House, I have for some time considered the case, I have talked with some of the most noted distillers in town about it, and I have made all the inquiries I thought proper, for obtaining a full information as to this particular; and from the whole, I believe that a duty of 5*s.* per gallon upon all foreign brandies, is the most proper medium to be fixed on.

This motion met with very little opposition, only some members declared, That they thought a duty of 5*s.* 6*d.* would be more effectual for the purpose intended: Then

Mr. *Sandys* stood up, and spoke as follows:

Sir; I am glad to hear from the honourable gentleman over the way, that all mixtures are not to be looked on as public frauds, for it seems the mixing of French brandy with English spirits is not only no public fraud, but a mixture which ought to be encouraged, as being useful and necessary in the distilling-trade; yet with respect to the public, I cannot conceive how the mixing of English cyder with Portugal wine, can be considered as a greater fraud than the mixing of French brandy with English spirits.—I must likewise take notice, that the same gentleman seems to admit, that the laws of the customs and excise, when united and joined together, are found to be ineffectual for collecting the duties payable upon the commodities he mentioned, or for the preventing the smuggling and running of them into this kingdom; and therefore I hope, Sir, I shall not hereafter hear any proposition, either from that gentleman or any of his friends, for laying any other duties under the same circumstances, more especially since the uniting the laws of the customs and excise is well known to be, in all cases, an union, which is most grievous and most burthensome to the subject.

In the course of this debate, Dunkirk having been mentioned as a port,

Sir *William Wyndham* said, That he was surprized to hear it so much as mentioned as a port: That it was against the honour of the English nation to acknowledge it as such, or to admit that it should ever be made use of as such: That it was not now the proper subject of their consideration, but he hoped that the House would at some other time take an opportunity to resolve itself into a Committee to consider of an affair of so great importance. To this

Sir *Robert Walpole* replied, That he hoped gentlemen would not be diverted from what was then the proper subject of their consideration: That Dunkirk's being mentioned as a port, must necessarily raise the just indignation of every Englishman: That no Englishman ever did, or ever could admit it as a port: But that whatever terms gentlemen might inadvertently make use of, yet he hoped no pretence would ever be from thence taken to infringe those rights, which this nation is by a most solemn treaty justly intitled to.

Then the Committee resolved, "That the Act passed in the 2nd year of king George II. intitled, An Act, 'For laying a Duty upon 'Compound Waters or spirits, and for licensing 'the retailers thereof,' had been a discouragement to the distilling of spirits from corn in Great Britain, and therefore ought to be repealed: That for the encouragement of the exportation of spirits drawn from corn in Great Britain, a drawback, or allowance of 6*l.* 8*s.* per ton, ought to be paid and allowed on the exportation thereof: And that the duties payable upon brandy and spirits imported, except from his Majesty's plantations in America, should from the 24th of June next, cease and determine, and that in lieu thereof there should be granted to his Majesty a duty of five shillings per gallon, on all brandy and spirits imported from foreign parts, except such as shall be of the growth and manufacture of his Majesty's plantations in America."

March 12. The above Resolutions were agreed to by the House, and a Bill ordered accordingly, which afterwards, with some amendments, passed into law.

GREAT DEBATE IN THE HOUSE OF COMMONS ON SIR ROBERT WALPOLE'S PROPOSING HIS EXCISE SCHEME.] March 14. The House resolved itself into a Committee of the whole House, to consider of the most proper methods for the better Security and Improvement of the Duties and Revenues, already charged upon, and payable from, Tobacco and Wines: The many Accounts, Returns, and other Papers, which the House had before called for, being first referred to the said Committee; and the Commissioners of the Customs and of the Excise attending, pursuant to an order of the preceding day;

Sir *Robert Walpole* opened the debate with the following Speech:*

"Sir;

"As I had the honour to move that the House should resolve itself into this Committee, I think it incumbent on me to open to you, what was then intended to be proposed as the subject of your consideration. This Committee is appointed for the better security of the duties and revenues already charged and payable upon tobacco. This can be done in no way so proper and effectual, as by preventing the commission of those frauds by which the revenue has already sustained such great injuries. As the proposed improvement is to be made by an alteration in the method of collecting and managing the duties already imposed, without any addition, or subjecting to the same duties any articles not already chargeable, I might have

* "The substance of this Speech is principally taken from heads and memorandums, in the hand-writing of sir Robert Walpole, among the Orford Papers. A few connecting sentences have been supplied from the printed Speech in the contemporary publications: Political State; Historical Register. See also Chandler." Coxe's Walpole.

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avoided stating this project to a Committee of the whole House; but I have deserted the old road, and proposed a supply not immediately necessary for the current service of the year, that I might leave a greater freedom of consideration, by taking away every appearance of pressing necessity. I shall therefore only observe, that some previous provision must be made for the future application of the increased sum which, should the plan I am about to propose to be adopted, will be received into the exchequer.

"The contest, in the present instance, is between the unfair trader, on one side; the fair trader, the planter, and the public, on the other; but to the public must be referred my most forcible appeal, as they, in truth, bear the whole weight of the injury: for though the fraudulent factor seems to make the planter, retailer, and consumer equally his prey, yet the landed interest ultimately suffers the whole effect of the fraud, by making good what the subject pays, and the government does not receive.

"In such a cause, I might reasonably expect the approbation of the fair trader, and the assistance of parliament; for assuredly, if in these times any cause can possibly be considered exempt from the operations of party, it is the cause now before the Committee. But, Sir, I am not to learn, that whoever attempts to remedy frauds, attempts a thing very disagreeable to all those who have been guilty of them, or who expect to derive future benefits from them. I know that these men, who are considerable in their numbers, and clamorous in their exertions, have found abettors in another quarter, in persons much worse than themselves; in men who are fond of improving every opportunity of stirring up the people to mutiny and sedition. But as the scheme I have to propose, will not only be a great improvement to the revenue, an improvement of two or three hundred thousand pounds by the year, but also great benefit to the fair trader, I shall not be deterred, either by calumny or clamour, from doing my duty as a member of this House, and bringing forward a measure, which my own conscience justifies me in saying, will be attended with the most important advantages to the revenues and commerce of my country.

"Justum et tenacem propositi virum,
"Non civium ardor prava jubentium,
"Mente quatit solidâ."

"Amongst the many slanders to which the report of this project has exposed me, I cannot avoid mentioning one, which has been circulated with an assiduity proportioned to its want of truth, that I was about to propose *a general excise.* In all plans for the benefit of government, two essential points must be considered, justice and practicability: many things are just which would not be practicable; but such a scheme would be neither one or the other. Various are the faults of ministers, various their fates: few have had the crimes of all; none till now found that the imputation of crime to him, became a merit in others. Yet if I were to propose to you such a scheme, popular opinion would run exactly in that channel. It would be a crime in me to propose, a crime in you to accept; and the only chance left to the House of retaining the favour of the people, would be the unqualified rejection of the project. But *I do most unequivocally assert, that no such scheme ever entered my head, or, for what I know, into the head of any man I am acquainted with.* Yet though I do not wish to do wrong, I shall always retain a proper share of courage and self-confidence to do what I judge right, and in the measures I am about to propose, shall rest my claim to support and approbation on the candid, the judicious, and the truly patriotic.

"My thoughts have been confined solely to the revenue arising from the duties on wine and tobacco: and it was the frequent advices I had of the shameful frauds committed in these two branches, and the complaints of the merchants themselves, that induced me to turn my attention to discover a remedy for this growing evil. I am persuaded, that what I am about to propose, will, if granted, be an effectual remedy. But if gentlemen will be prevailed on by industry, artifice and clamour, to indulge the suggestions of party prejudice, they and their posterity must pay dear for it, by the grievous entail of a heavy land tax, which they will have sanctioned by their pusillanimity, in not daring to brave the outrages of the fraudulent and self-interested. For myself, I shall only say, I have so little partiality for this scheme, except what a real and constitutional love of the public inspires, that if I fail in this proposal, it will be the last attempt of the kind I shall ever make, and I believe, a minister will not soon be found hardy enough to brave, on the behalf of the people, and without the slightest motive of interest, the worst effects of popular delusion and popular injustice.

"I shall for the present, confine myself entirely to the tobacco trade, and to the frauds practised in that branch of the revenue. If there is one subject of taxation more obvious, than another, more immediately within the direct aim of fiscal imposition than another, it is such an article of luxury as depends for its use on custom or caprice, and is by no means essential to the support of real comfort of human life. If there is a subject of taxation where it is more immediately the province of the legislature to suppress fraud, and strictly to insist on the payment of every impost, it must be that where the wrong is felt by every class of persons, and none are benefited, except the most dishonest and profligate part of the community. Both these descriptions apply to the subject before us. For though the use of tobacco is perhaps less sanctioned by natural reason than any other luxury, yet so great is the predilection for it, in its various forms, that from the palace to the hovel there is no exemp-

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tion from the duty; and surely it must be considered an intolerable grievance, that by the frauds which are daily committed, the very poorest of the peasantry are obliged to pay this duty twice: once in the enhanced price of the article; for though the fraudulent trader contrives to save to himself the amount of the tax imposed by parliament, yet he does not sell it cheaper to the public; and a second time, in the tax that is necessarily substituted to make good the deficiency which has been by these means occasioned. Did it ever happen till now, that when an abuse of this kind was to be remedied, endeavours were used to make the attempt unpopular?

"In discussing this subject, it will be necessary first to advert to the condition of our planters of tobacco in America. If they are to be believed, they are reduced to the utmost extremity, even almost to a state of despair, by the many frauds that have been committed in that trade, and by the ill usage they have sustained from their factors and correspondents in England, who from being their servants, are become their tyrants. These unfortunate people have sent home many representations of the bad state of their affairs; they have lately deputed a gentleman with a remonstrance, setting forth their grievances, and praying for some speedy relief: this they may obtain by means of the scheme I intend now to propose; but I believe it is from that alone they can expect any relief.

"The next thing to be considered is, the state of the tobacco trade with respect to the fair trader. The man who deals honourably with the public, as well as individuals, the man who honestly pays all his duties, finds himself forestalled in almost every market within the island, by the smuggler and fraudulent dealer. As to our foreign trade in tobacco, those who have no regard to honour, to religion, or to the welfare of the country, but are every day contriving ways and means for cheating the public by perjuries and false entries, are the greatest gainers; and it will always be so, unless we can contrive some method of putting it out of their power to carry on such frauds for the future.

"We ought to consider the great loss sustained by the public, by means of the frauds committed in the tobacco trade, and the addition that must certainly be made to the revenue, if those frauds can be prevented in future. By this addition, parliament will acquire the means of exercising one of its most enviable privileges, that of diminishing the burthens of the country, the power of doing which will thus be presented to them in various forms. If it should be the prevailing opinion, that the discharge of the national debt should be accelerated, this increase offers an abundant resource. If the idea should prevail, that those taxes ought to be alleviated which fall heaviest on our manufacturers and the labouring poor, as soap and candles, this increase will replace the difference. Or if it should be judged that more immediate attention ought to be paid to the current service, the fund may be reserved for that use: and it is manifestly unjust and impolitic, that the national debt should be continued, and the payment postponed; or that the heavy duties on our manufactures should remain, which are justly paid, and without fraud; or that ways and means for the current service should be annually imposed, if the present revenues will answer all or any of these purposes. This, I am convinced, will be the effect of the scheme I am to propose, and whoever views it in its proper light, must see the planters, the fair traders, and the public, ranged on one side in support of it; and none but the unfair traders and tobacco factors on the other.

"I am aware that the evidence to be adduced in proof of the existence of the frauds I am about to enumerate, is not such as would be sufficient to induce a court of justice to pronounce the guilt of those to whom they may be imputed. But as I do not undertake the task of inculpation, if I make out such a case to the Committee, as will enable them to decide on the existence of the crime, they will not hesitate to apply the remedy. They will consider the deficiency of strict legal proof, as a motive for their interference, rather than their forbearance; more particularly when they reflect, that if persons are with difficulty induced to give testimony in such a case as this, where the good of the country only is to be pursued, without injury to any one, they will be still less easily brought forward to give such information as will tend to the ruin of others. In this case it is hardly too much to say, that gentlemen should learn from the example of those interested, how to conduct themselves: they have, with an alacrity and unblushing eagerness which proves, which confesses their guilt, hastily inferred the most violent intentions in the friends of government; they have assumed facts, and inferred intentions, without the smallest data on which to found their presumptions. I ask no more than this: if I succeed in making it appear that gross frauds are daily practised, and the revenue injured in a most daring and profligate manner; that the proposed remedy, should it appear adequate and applicable, may be resorted to, without subjecting me to the necessity of procuring that which is, in fact, unattainable, such precise proof as would satisfy the administrators of the laws in the disposal of property, or deciding on guilt. Such evidence, and such facts as I have been able to collect, it is my duty to lay before you; and it is your duty to support me, unless my plan appears totally void of reason and justice."

The minister then proceeded to give such preliminary statements and calculations, as were necessary to render his plans intelligible, to make the abuses obvious, and to demonstrate the propriety and necessity of reform. From these statements it appeared, that the existing duties on tobacco amounted to sixpence and one-third of a penny on every pound. The

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discounts, allowances, and drawbacks, were a total drawback on re-exportation; ten per cent. on prompt payment; and fifteen per cent. on bonded duties. The gross produce of the tax, at a medium, 754,131*l.* 4*s.* 7*d.* the net produce only 161,000*l.*

Having made these statements with the utmost exactness and perspicuity, he proceeded:

"I shall now point out as clearly as I can, and as amply as my knowledge will enable me, the principal frauds and most glaring instances of dishonesty, which occasion this amazing disproportion. And first I shall mention one, which seems alone capable of diverting from its proper channel the amount of any tax. I mean that of using light weights inwards, and heavy weights outwards, of paying by the first, and taking the drawback by the last, and charging the planter, and taking commission by the whole. This evil is farther enhanced by negligence; for it is customary to weigh a few hogsheads only, and if they answer, the whole pass according to the numbers in the cocket.

"A particular instance of this fraud came lately to our knowledge by mere accident: one Mitford, who had been a considerable tobacco merchant in the city, happened to fail, at a time when he owed a large sum of money on bond to the crown. An extent was immediately issued against him, and government obtained possession of all his books, by which the fraud was discovered. For it appeared, as may be seen by one of his books, which I have in my hand, that upon the column where the false quantities which had been entered at the importation were marked, he had, by a collusion with the officer, got a slip of paper so artfully pasted down, that it could not be discovered, and upon this slip of paper were written the real quantities which were entered, because he was obliged to produce the same book when that tobacco was entered for exportation. But upon exportation, the tobacco was entered and weighed according to the quantities marked on this slip of paper, by which he secured a drawback, or his bonds returned, to near double the value of what he had actually paid duty for upon importation. Yet this Mitford was as honest a man, and as fair a trader, as any in the city of London. I desire not to be misunderstood; I mean, that before he failed, before these frauds came to be discovered, he was always reckoned as honest a man, and as fair a trader, as any in the city of London, or in any other part of the nation."

After enumerating several other instances where government had been defrauded of a full third of the duties imposed, and legally payable, he came to Peele's case, which is singular from its enormity. "In September 1732, this Peele entered in the James and Mary, from Maryland, 310 hogsheads of tobacco, for which he paid the duty in ready money. In October following, he sold 200 hogsheads to one Mr. Hyam, for exportation, and they were immediately exported. It appears on these 200 hogsheads, that the duties paid at importation, according to the weights in the land-waiters books, were short of the real weights by 13,292 pounds. The certificates sworn to for Mr. Peele to obtain debentures, were to discharge bonds given on a former entry of Virginia tobacco, imported in November 1731. The indorsement on the cocket made by Mr. Peele, in order to receive the debentures, exceeded the real weights actually shipped by 8,288 pounds, so that the total of the pounds weight gained by this fraud, amounts to 21,580.

"The next fraud to which I shall direct your attention, is that of receiving the drawback on tobacco for exportation, and relanding it. The effects of this practice are too obvious to require elucidation, and it has been carried to such an extent, that a great number of ships were employed at Guernsey, Jersey, and the Isle of Man, in receiving and relanding such tobacco. Nor was the evil confined to these ports; a very intelligent gentleman, Mr. Howel, who resided many years in Flanders, has frequently observed several quantities of tobacco imported into Ostend and Dunkirk, and there repacked in bales of one hundred pounds each, and put on board vessels which waited there to reland it in England or Ireland. About twelve months ago, nine British vessels were employed in taking cargoes for this purpose at Dunkirk.

"The third fraud to which I shall direct the attention of the committee, is that of receiving the whole drawback for a commodity of almost no value, namely, the stalks of the tobacco, which it is usual, after the leaf has been stripped off, to press flat and cut, and by mixing this offal with sand and dust, impose on the revenue officers, and obtain the same drawback as for an equal weight of the entire plant. This miserable stuff, when the fraudulent purpose has once been answered, is either thrown into the sea, or relanded and sold at three farthings a pound, with an allowance of 1,010 pounds weight in five hogsheads.

"The fourth fraud I shall advert to, is one of very great consequence, known by the name of *socking*, which is a cant term for pilfering and stealing tobacco from ships in the river. This iniquitous practice, which was discovered in 1728 and 1729, was chiefly carried on by watermen, lightermen, tide-waiters, and city porters, called gangs-men: the commodity so pilfered was deposited in houses from London Bridge to Woolwich, and afterwards sold, frequently to eminent merchants. Five hundred examinations have been taken on the subject, from which it appears, that, in the space of one year, fifty tons were socked on board ships and on the quays. Sixteen tons were seized, but that quantity was reckoned an inconsiderable part of the whole. In consequence of these informations, 150 officers were dismissed, nine were convicted, of whom six are ordered for transportation, three to be whipt: these

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prosecutions were all carried on at the expence of government; and it is not a little remarkable, when we recollect the professions of patriotism, virtue, and disinterestedness, which are now so copiously poured forth, that not a single merchant, though the facts were so notorious and shameful, assisted the state, either by information or pecuniary exertion, to suppress the fraud, or bring the delinquents to punishment.

"The last grievance I shall mention, cannot so properly be denominated a fraud, as an abuse arising from the nature of the duties paid, and the manner of paying them; I mean the advantage afforded to the merchant of trading with the public money, or making government pay more than they receive. Bonds are given for eighteen months, three years are allowed for the exportation of the article, and new importations discharge old bonds. The losses which result to government from the failure of the obligors in these bonds, is immense; besides the ungracious task to which it subjects them of suing the sureties, who had no interest in the contract. The rich trader has another advantage; he avoids giving bonds, by paying the amount of his duties in ready money, for which he is allowed a discount of ten per cent. Now it is very common, and not out of the line of fair trade, for a merchant to pay this duty, receive the discount, and by immediately entering the same commodity for exportation, gain an advantage (I will not say defraud the revenue) of ten per cent. without loss, risque, or expenditure.

"The frauds which I have here enumerated are, I apprehend, sufficiently proved to satisfy the Committee of their existence, and their enormity is obvious enough to demand active interference. The only remedy I can devise, is that of altering the manner of collecting the duties. Frauds become practicable by having but one check at importation, and one at exportation; if there is but one sentinel at a garrison, and he sleeps, or is corrupted, the castle is taken; but if there are more than one, it is in vain to corrupt the first, without extending the same influence to those who remain; and when difficulties are so multiplied, the project becomes hazardous and uncertain, and is abandoned.

"If the grievance then is admitted, it only remains to mention the remedy, and to consider whether it is effectual, or whether it is worse than the disease.

"The laws of the customs are manifestly insufficient to prevent the frauds which already exist; I therefore propose to add the laws of excise: and by means of both, it is probable, I may say certain, that all such frauds will be prevented in future.

"I have already stated to the committee, that the several imposts on tobacco amount to sixpence and one third of a penny per pound, all of which must be paid down in ready money upon importation, with the allowance often per cent. upon prompt payment; or there must be bonds given, with sufficient sureties, for payment, which is often a great loss to the public, and always a great inconvenience to the merchant importer. Whereas, by what I shall propose, the whole duty will amount to no more than fourpence three farthings per pound, and will not be paid till the tobacco is sold for home consumption; so that if the merchant exports his tobacco, he will be quite free from all payment of duty, or giving security: he will have nothing to do but re-load his tobacco for exportation, without being at the trouble of attending to have his bonds cancelled, or taking out debentures for the drawbacks; all which, I conceive, must be a great ease to the fair trader; and to every such trader the prevention of frauds must be a great advantage, because it will put all the tobacco traders in Britain on the same footing, which is but just and equitable, and what ought, if possible, to be accomplished.

"Now, in order to make this ease effectual to the fair trader, and to contribute to his advantage, by preventing, as much as possible, all frauds for the future, I propose, as I have said, to join the laws of excise to those of the customs, and to leave the one penny, or rather three farthings per pound, called the farther subsidy, to be still charged at the custom house, upon the importation of tobacco, which three farthings shall be payable to his Majesty's civil list as heretofore; and I propose for the future that all tobacco, after being weighed at the custom-house, and charged with the said three farthings per pound, shall be lodged in a warehouse or warehouses, to be appointed by the commissioners of excise for that purpose, of which warehouse the merchant importer shall have one lock and key, and the warehouse-keeper to be appointed by the said commissioners shall have another, that the tobacco may lie safe in that warehouse, till the merchant finds a market for it, either for exportation or home consumption; if his market be for exportation, he may apply to his warehouse-keeper, and take out as much for that purpose as he has occasion for, which, when weighed at the custom-house, shall be discharged of the three farthings per pound with which it was charged upon importation, so that the merchant may then export it without any farther trouble. But if his market be for home consumption, he shall pay the three farthings charged upon it at the custom-house upon importation, and then, upon calling his warehouse-keeper, he may deliver it to the buyer, on paying an inland duty of fourpence per pound, to the proper officer appointed to receive the same.

"And whereas all penalties and forfeitures to become due by the laws now in being, for regulating the collection of the duties on tobacco, or at least all that part of them which is not given to informers, now belong to the crown, I now propose that all such penalties and forfeitures, in so far as they formerly belonged to the crown, shall for the future belong to the public, and be applicable to the same uses to which the said duties shall be made applicable by parliament; and for that purpose I

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have the King's commands to acquaint the House, that he, out of his great regard for the public good, with pleasure consents that they shall be so applied; which is a condescension in his Majesty, that I hope every gentleman in this House is fully sensible of, and will freely acknowledge.

"Having thus explained my scheme to the Committee, I shall briefly touch on the advantages to be derived from, and anticipate some of the objections which may probably be made to it.

"First then, turning duties upon importation into duties on consumption, is manifestly a great benefit to the merchant importer. The paying down of duties, or bonding, are heavy burthens. The payment of duties requires a treble stock to what would else be requisite in trade; and the asking securities, besides numerous other inconveniences, subjects the merchant to the necessity of returning the favour. It hardly requires to be mentioned, that it is a very great accommodation to be obliged to provide for the payment of one penny only, instead of sixpence and one third of a penny.

"The next benefit is the great abatement on the whole duty. The inland duty being fourpence per pound, and the remaining subsidy three farthings, gives an abatement of 10 per cent. and of 15 per cent. upon the whole: whereas, the 25 per cent. is at present given only on the money paid down, which is not a fifth of the whole, and but 15 per cent. allowed on the four fifths which is bonded. Thus a duty of five pence farthing is paid on four fifths of the tobacco, and fourpence three farthings on the other fifth; while by the plan I propose, no more than fourpence three farthings will be paid on the whole. It is easy to calculate how great the advantage must be to the planter and fair trader from this arrangement, which demands so small an advance, exempts them from all the inconveniences of finding sureties, and requires no payment of any consequence, till the moment when a purchaser presents himself to refund the cost.

"If it should be objected against this project, that it makes the tobacco trade a ready money business, which it cannot bear; I answer, that it may be so or not, as the parties themselves may chuse to arraign it; for if the merchant gives the consumer credit, as he now does, for the duties as well as the commodity, the objection ceases to have any weight.

"The great advantage to the public will be this, that no duty being paid on tobacco designed for exportation, an immediate stop will be put to the fraud on drawbacks, and to most of the disgraceful efforts of dishonesty, which I have previously enumerated. This fact does not require to be verified by an experiment; it is sufficiently proved by the success and facility which attend the collection of the malt duty.

"I come now to the main point, and which alone can admit of debate; the grand objection of making the dealers in tobacco subject to the laws of excise. I am aware, that on this subject I have arguments or rather assertions to encounter, which are of great import in sound, though of very little in sense. Those who deal in these general declamations stigmatize the scheme in the most unqualified manner, as tending to reduce those subjected to it to a state of slavery. This is an assertion, the fallacy of which can only be determined by comparison. There are already ten or twelve articles of consumption subjected to the excise laws; the revenue derived from them amounts to about 3,200,000*l.* per annum, which is appropriated to particular purposes. A great number of persons are, of course, involved in the operation of these laws: yet, till the present moment, when so inconsiderable an addition is proposed, not a word has been uttered about the dreadful hardships to be apprehended from them. These clamours of interested and disaffected persons are best answered by the contented taciturnity of those in whose behalf their arguments, if of any force, ought to operate. Are the brewers and maltsters slaves, or do they reckon themselves so? Are they not as free in elections, to elect or be elected, as any others? Or let any gentleman present say, if he ever met with any opposition from, or by means of an exciseman?

"I quit this general topic to advert to more particular and specific objections: The chief of them are, houses liable to be searched; the being subject to the determination of commissioners without appeal, who are necessarily creatures of the crown; the number of excise officers, the injury the subject will sustain in being tried without a jury; and the particular interest of the crown in this alteration.

"To all these objections one general observation will apply; that if for these reasons this scheme is to be relinquished, the whole system of excise laws ought to be abandoned. But I shall examine them one by one. I begin with the last, the most cruel and unjust, because it tends to set up an improper distinction, and draw a strong line of opposition between the interests of the crown and the interests of the people; that is to say, between the estate and particular property of the crown, and the estate and particular property of the public: this naturally leads to a general consideration of the public revenues.

"The revenues may be computed at 6700000*l.* per annum. The public has of this, as its particular interest and property, about 5,900,000*l.* per annum, namely, the appropriated funds and annual supplies. The proportion remaining to the crown, 800,000*l.*, is not an eighth part of the whole. And here, in order to obviate a general misrepresentation, it is necessary to state, that the civil list revenues, in five years, from Midsummer 1727 to Midsummer 1732, have fallen short of the sum they are supposed to produce by upwards of 26,000*l.* a year on the average. Happy indeed would be the state of the country, if the appropriated duties would answer all the proper

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engagements, and leave a surplus sufficient for the current service! But if that great object is not attainable, it is surely well worth the attention of parliament to provide for a moiety, or even a fourth part of the current service. The appropriated duties were funds for paying the interest of the national debt. There had been deficiencies in several, but now a supply is made; a sinking fund for gradually discharging the principal. A million per annum has for several years been applied, and that, by the public creditors, is now thought more than sufficient.

"If under the present management, the duties produce much less than ought to be paid to the public, has the public a right to make the most of their own revenues, or are they alone excluded from doing themselves justice? To object against the improvement of the king's part, is to say, that the public had better be defrauded of seven parts in eight, than that justice should be done to the crown in the eighth. If manifest frauds were discovered in a branch belonging entirely to the civil list, the post office for example, would you rather sanction the wrong than do justice to the crown? Why then this unreasonable jealousy in the present instance? I call the jealousy unreasonable, because in this proposition all possible care has been taken to avoid the imputation of being designed for the benefit of the crown. The penny which goes to the civil list is left to be paid at the Custom house. All increase from the inland duty is not to go to the crown, but to the public. All fines, forfeitures, and penalties arising from the inland duties, are renounced by the crown, and appropriated to the public. In a word, the crown will have no interest in the inland duty, but as trustee for the public.

"This fact, duly considered, answers the great objection to the determination of commissioners. For granting, for a moment, that commissioners are to be supposed corrupt, venal, and creatures of the crown, what influence can their regard for the crown have on them, to induce them to oppress the people, when the crown has no interest in their determination? But though this answer might reasonably be deemed satisfactory and sufficient, yet to obviate even speculative objections, a remedy is supplied for this supposed grievance, by investing three of the twelve judges with a power of determining, in a summary way, all appeals brought before them within the bills of mortality; and in the country, the same power is to be vested in one of the judges of the assize going the next circuit. This renders it impossible that the interest of the subject can be sacrificed to undue influence on the one hand, or the revenue to private solicitation, personal friendship or regard on the other. While such a tribunal presents itself, no offender would chuse to be carried into Westminster-hall, rather than have his cause judged in a summary way. The benefit of a trial by jury would not induce a man to encounter the tedious, vexatious, and expensive proceedings in a court of law, more burthensome than the penalties and forfeitures in dispute, as far as my own observation enables me to judge on the present system, where the commissioners have, in most cases, a power to determine themselves, or to bring informations, I have found that most people, against whom informations have been laid, have been desirous that their causes should be determined by commissioners; but I never yet heard of one who was willing to take his cause out of the hands of the commissioners to have it tried in Westminster-hall. One reason which contributes to render the exercise of power by the commissioners more popular is, that they possess the privilege of mitigation, which is not entrusted to the judges, who are merely administrators of the law according to the letter.

"The next objection is the increase of revenue officers, which fear, interest, and affectation have magnified into a standing army. This standing army, allowing the proposed addition to extend to tobacco and wine, will not according to the estimate of the commissioners, exceed one hundred and twenty-six persons; that number, in addition to those already employed, will do all the duty. In this computation, warehouse-keepers are of course not included, their number must be uncertain, for the satisfaction and accommodation of the merchants: Few houses, however, out of London, will be subject to the Excise laws which are not so already.

"The only remaining objection is, the power of officers to enter and search houses. This objection could not possibly have any weight, without the aid of gross misconception, or misrepresentation. All warehouses, cellars, shops, and rooms used for keeping, manufacturing, or selling tobacco, are to be entered at the inland office. These are to be always liable to the inspection of the officer, and it is to be made penal to keep or conceal tobacco in any room or place not entered. But no other part of the house is liable to be searched without a warrant and a constable, which warrant is not to be granted without any affidavit of the cause of suspicion. The practice of the customs is now stronger; they can enter with a writ of assistance without any affidavit. But why all this solicitude in the behalf of fraud? If the powers given by either, or both the systems of revenue law are not sufficient (as I am informed they are not in the case of tea,) it is an argument to add more checks, but no argument against the application of this.

"The regulation in these two commodities, can affect neither trade, the poor, or the manufacturer. The poor are not all concerned in the question of tobacco, as the retailer now sells all tobacco at the rate of duty paid. The manufacturer is concerned as little, for the same reason, and neither one or the other drinks any wine. The landed interest cannot be affected by it in consequence of an advanced charge on the poor and the manufacturer. The whole clamour then is in favour of the retailer

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or tradesman, and even he cannot suffer, unless guilty of frauds. This is the scheme which has been represented in so dreadful and terrible a light; this is the monster, the many headed monster, which was to devour the people, and commit such ravages over the whole nation. How justly it has been represented in such a light, I shall leave to this Committee and to the world without doors to judge. I have said, and will repeat it, that whatever apprehensions and terrors people may have been brought under from a false and malicious representation of what they neither did, or could know or understand, I am fully persuaded, that when they have duly considered the Scheme I have now the honour to open to you, they will view it in another light; and that if it has the good fortune to meet the approbation of parliament, and comes to take effect, the people will soon feel the happy consequences of it; and when they experience these good effects, they will no longer look on those persons as their friends, who have so grossly imposed on their understandings.

"I look upon it as a most innocent scheme; it can be hurtful to none but smugglers and unfair traders. I am certain it will be of great benefit to the revenue, and will tend to make London a free port, and by consequence, the market of the world. If I had thought otherwise of it, I would never have ventured to propose it in this place.

"Therefore I shall now beg leave to move that it may be resolved, "That it is the Opinion of "this Committee, that the Subsidy and addi- "tional Duty upon Tobacco of the British Plan- "tations, granted by an act of the 12th of King "Charles II. and the Impost thereon, granted "by an Act of the first of King James II. and "also the one third Subsidy thereon, granted by "an Act of the 2d of Queen Anne, amounting "in the whole to 5¼*d.* per Pound, for several "terms of years in the said respective acts men- "tioned, and which have since been continued "and made perpetual, subject to Redemption "by Parliament, shall from and after the 24th "day of June 1733, cease and determine."

Sir Robert Walpole having thus opened and explained the nature of the Excise-Scheme,

Mr. *Perry* answered him as follows:

Sir, The honourable gentleman on the floor has taken up a great deal of the time of the Committee, in stating a great number and variety of facts, and in drawing conclusions and making calculations, upon the supposition that every one of those facts was exactly as he has been pleased to represent them to us. This I cannot entirely agree with the gentleman in, for if all those facts were exactly as he has represented them, and if all the computations he has made upon that supposition were just, that quantity of tobacco, the duties of which the public is thereby supposed to be entirely defrauded of, would amount to a much greater quantity of tobacco yearly, than grows in the whole country from which we fetch that commodity. I did not expect to have heard so long a detail of facts, or so many particular computations: I do not think it at all necessary upon the present occasion; I expected that the gentleman would have taken a much more general and a more just method: I thought he would have stated to us the quantity of tobacco yearly imported, the quantity yearly exported, and would have given us the best proofs that could be found for justifying his computations in that respect, because from thence every man might have easily seen what quantity remained for home consumption, and what sum of money this would have yearly brought in, if the duties had been all regularly paid; and upon comparing that with what those duties have really amounted to for some years past, we might have been able to have made some guess at the value of the frauds that have been committed, and at the advantage that may accrue to the public, supposing that all frauds had been prevented for the time to come.

This is the proper way, the only way of coming at any sort of certain knowledge in the affair before us, but I am afraid if we should consider it in this way, we should find that the scheme now propsed to us would be of no such mighty advantage to the public revenue as has been represented, even supposing that all frauds were for the future to be thereby entirely prevented: and considering that no method of collection, no pains or penalties, that can be contrived, can be supposed effectual for preventing every fraud that may hereafter be invented and set on foot; we should find no great temptation for agreeing to any scheme, by which the liberties of our country may be brought into the least danger for the sake of any advantage that we could suppose would thence accrue to the public revenue. That there are frauds committed in the tobacco-trade, I shall never pretend to deny, I make no manner of doubt but that there are too many frauds committed in that trade as well as in every other branch of the public revenue: But upon a fair state of the case, I am sure they cannot amount to near that value which the honourable gentleman has been pleased to mention; and therefore I beg leave to examine a little those particular frauds and calculations which have been mentioned by him. [Here Mr. Perry went through and examined all the frauds that had been mentioned, and all the computations that had been made, more particularly as to the bonds, then went on.]

Sir, It has been pretended, that the public has sustained, and are still in danger of sustaining great losses by the method of granting bonds for the duties payable upon tobacco: This I had before heard hinted at by the honourable gentleman, and therefore I have lately had a meeting with several of the merchants in London trading in Tobacco: We have examined that affair, and I can now tell that gentleman, that I have it in commission from them to propose, that if the government will give us a discount but of 20,000*l.* we will give undeniable

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security for the payment of all the bonds they are now possessed of, which are not become desperate by the bondsmen being already gone off, or become bankrupts.

As to that fraud called socking, it has been already discovered, and is, I hope, prevented. But it is well known, that the merchants discovered it first, the merchants went and complained of it to the commissioners of the customs, and the merchants joined and assisted the officers of the customs in putting an effectual stop thereto. This I must know, because I had the honour to go at the head of several merchants trading in tobacco, to the commissioners of the customs, to request of them that we might be allowed to give a gratuity to one of their officers, who had been most instrumental in the detecting and preventing of that fraud, and accordingly I myself paid that officer a very handsome sum of money, which we all thought his diligence and integrity very well deserved.

As to the frauds committed at the weighing of the tobacco either on importation or exportation, I am afraid they are too frequent: But as the tobacco is always weighed upon the public Custom-house keys, where Custom-house officers swarm like bees before a hive; and as there must be two or three officers of the customs attending and overlooking the weighing of every cask of tobacco, we cannot suppose that these frauds were ever so enormous as they are represented to be: Whatever frauds are committed in that way, must be either by neglect or collusion of the officers, and I cannot see how the Scheme now proposed to us will make the officers, either of the customs or the excise, more diligent in their duty, or more faithful in their trust, than they were heretofore. As to the re-landing of tobacco after it has been entered for exportation, it was never pretended that this was practised at the port of London, nor can it be pretended that any great quantities of such tobacco were ever consumed in London: This is a practice that may perhaps have been frequent in the northern parts of the island, and in some distant creeks and corners of the coast; and while there is such a vast disproportion between the prime cost and the duties on tobacco, I may prophesy, that in such remote places this will always be a practice: It could not be prevented by ten times the number of officers we have, even though we had a much more numerous army to support them than we have at present: And as for the stripping, cutting, and pressing the stalks, and the engine that has been invented for that purpose, if the honourable gentleman mentioned it as a fraud, or as a late discovery, he mistakes it very much; on the contrary, it is no fraud, nor is it a late discovery; it is a business that has been openly, honestly, and publicly carried on for many years; it is a business that has improved our tobacco-trade, and is as common and as well known as the business of a woollen or a linnen-draper.

Permit me now to take some notice of the tobacco-planters, and of the hardships they are laid under by their tobacco-factors, who are, it seems, now become their lords and masters. I am sure none of them ever thought of complaining, till they were put upon it by letters and applications from hence. There are hardships in all trades, which men must necessarily submit to, or give up their business; but every man, that understands the tobacco-trade, must see that the hardships the factors labour under, are by much the most numerous and the most grievous; and if this Scheme should take effect, they will become so grievous, that no man would be able to continue in the trade; by this the planters would be utterly undone, and the trade quite lost to this nation; for it will be impossible for them to manage their plantations, or to send their produce to Britain, without having some considerable merchants settled here, to send ships to receive the same in America, to receive and dispose of it after it is landed here, and to supply them with ready money till their tobacco can be brought to a proper market. As to the remonstrance, mentioned by the honourable gentleman to have been lately sent over by the tobacco-planters, I know it was obtained by letters sent from hence, and I believe many of those who joined in it, now heartily repent of what they have done; it was drawn up in a form of a petition to this House, and was designed to have been presented, but it seems the promoters of it have thought better of the matter: However, that it was obtained in the unfair manner I have represented, I am now ready to prove to the conviction of the whole world.

This then being the case, as the Scheme now proposed to us cannot be supposed to be of any great benefit to the public revenue, as it will be so far from being an advantage to the fair trader, or to the honest planter, that it may probably ruin both, and entirely destroy our tobacco trade; though I, and all honest men, and I defy that honourable gentleman, I defy the whole world to reproach me with one unfair practice in the whole course of my life, I say, though I and all honest men wish from our hearts that frauds may be prevented in this, as well as in every other branch of the public revenue, yet I cannot give my assent to a proposition that may be of so dangerous consequence; a proposition which I look upon to be inconsistent with our constitution; I am convinced it would prove a most fatal stroke to the liberties of my country, which will, I doubt not, be made plainly appear by other gentlemen of much greater abilities than mine: And to every man who has a regard for his country, or for the people he represents, this last must be a sufficient reason for being against it, even though it were otherwise the most beneficial Scheme that had ever been proposed.

But since I look upon my being a member of this House, as the greatest glory of my life, since I look upon that day on which I was

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chose one of the representatives of the city of London, as the most auspicious day of my whole life, I cannot tamely sit still and hear the whole body of the merchants of that great city represented by that honourable gentleman as a pack of rogues, smugglers, and unfair traders. It is a treatment they no way deserve, it is a very odd, a very unkind sort of treatment, and such a treatment as I am sure they never will forget, and I believe never will forgive.

Sir *Paul Methuen* spoke next.

Sir;

When I first heard of this scheme, I was in the country, and there I must say that it had been represented in such a light, as created a general dislike to it, and raised great apprehensions in the minds of most people. It was represented as a scheme for introducing a general excise; such a scheme I own I would not allow myself to think was contrived or approved of by any gentleman in the administration; I did imagine, that all those in the administration were very well convinced, that a general excise was what the people of England would never quietly submit to, and therefore did not believe that any of them would ever countenance a scheme which had the least tendency that way. But now, after having heard it opened, and fully explained, by the honourable gentleman on the floor, I cannot but think that it is a wide step towards establishing a general excise, and therefore I must be excused assenting to it.

How far it relates to trade, with which it certainly has a very close connection, I shall leave to be explained by others more conversant in those affairs; nor will I take upon me to say how far it may be a remedy for the frauds mentioned by the honourable gentleman; but there is another concern which I shall always, while I have the honour to sit in this House, have a particular eye to, and that is, the liberty of my country. The danger with which this scheme seems to threaten the liberty of many of my fellow-subjects, is alone of sufficient force to make me give my negative to the question. Let gentlemen but reflect, let them but cast their eyes back on the several laws that have been made since the revolution, they will there find, that there has been already more power vested in the crown, than may be thought altogether consistent with the constitution of a free country; and therefore, I hope this House will never think of adding to that power, which there may be some ground to suspect is already too far extended.

The laws of excise have always been looked upon as most grievous to the subject: All those already subjected to such laws, are, in my opinion, so far deprived of their liberty; and since by this scheme, a great many more of his Majesty's faithful subjects are to be subjected to those arbitrary laws, let the advantages accruing to the public from it be never so great or so many, they will be purchased at too dear a rate, if they are purchased at the expence of the liberty of the meanest of his Majesty's subjects; for even the meanest man in the nation has as natural and as good a right to his liberty, as the greatest man in this or in any other kingdom.

Let us but take a view of the neighbouring nations in Europe, they were all once free; the people of every one of them had once as many liberties and privileges to boast of as we have now; but at present they are most of them reduced to a state of slavery, they have no liberty, no property or law, nor any thing they can depend on. Let us examine their histories, let us inquire into the methods by which they are deprived of their liberties, and we shall find a very near resemblance between those methods and the scheme now proposed to us. Almost in every country in the world, the liberties of the people have been destroyed, under pretence of preserving or of rescuing the people from some great evil, to which it was pretended they were exposed: This is the very case now before us, in order to enable the crown to prevent some little frauds, pretended to have been committed in the ancient method of collecting the public revenue, it is proposed to us to put such a power in the hands of the crown, as may enable some future Prince to enslave the whole nation. This is really the light in which this scheme appears to me; but to the honourable gentleman who now proposed it to us, I am persuaded it appears in a quite different light, otherwise I am certain he would never have proposed it to this Committee. However, since the generality of the nation have already shewn a great dislike to it; I therefore hope the honourable gentleman may be prevailed on to delay it till another session of parliament; in such a delay there can be no danger, there can be no great loss to the public; more especially since the money, to be thereby raised, is not so much as proposed to be applied to the current service of the present year: If it be delayed till another session of parliament, gentlemen will then have time to consider it fully, and to consult with their constituents about it; by that time it may possibly appear in a quite different light both to me and to many other gentlemen, without doors as well as within; and then, if upon examination it appears to be as good a thing as some gentlemen now seem to believe, it will, without doubt, be approved of by the generality of those without, as well as by the majority of those within.

But I hope those gentlemen, who have now so good an opinion of the scheme, will not think of thrusting it down people's throats, when they see that the generality of the nation have an opinion of it quite different from what they have; such a resolution, such an attempt might produce consequences which I tremble to think of: and this is another motive which is of great weight with me; I have the honour to know his Majesty, his royal person I have formerly had the honour to approach, and I know him to be a prince of so much goodness, that were this scheme represented in this light to him, he never would approve of it; to him it

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will always be a sufficient reason against any proposition, that the generality of his people have shewn their dislike to it: I love his Majesty, I have a sincere and a dutiful respect for him and all his royal family; and therefore I shall always be afraid of any thing that may alienate the affections of many of his Majesty's faithful subjects, which I believe would be the certain consequence of the present establishment of this scheme; for which reasons, if the question be now pushed, I shall most heartily give my negative to it.

Sir *Philip Yorke* (Attorney General) spoke as follows:

Sir;

After the honourable gentleman near me had opened to the Committee, in a manner so full and so clear, a scheme which had met with so unfair and so ungenerous a treatment, before those who treated it so could know any thing about it, I little expected that the honourable gentleman who spoke last, or any gentleman in this Committee, could be so far deceived, as to have taken it in the light they do. In my opinion, the debate is now put upon a footing very different from what it ought to be: What can the affair now before us have to do with our constitution? there is nothing, there can be nothing supposed to be in the proposition made by my honourable friend, that can in the least tend towards incroaching on our constitution, or towards affecting the liberty of the subject. The only consideration at present before us is, whether we shall allow those gross frauds and abuses, formerly committed in the tobacco trade, to be still carried on with impunity, or accept of a remedy which, by effectually preventing these frauds for the future, will considerably improve the public revenue, will be of great advantage to the fair trader, and of singular use and benefit to the whole nation?

This is the plain question now before us, and if it be considered in its proper light, without confounding it with other matters with which it has no manner of relation, I am sure it cannot admit of any debate. The honourable gentleman, in opening this affair to us, made it so manifest that there have been great frauds committed in that branch of trade; and that the preventing of those frauds would be a great improvement to the public revenue, that what he advanced on that head has not been opposed or contradicted: and this House has been upon all occasions so very careful of the public revenues, and has been always so ready to agree to any measures for preventing abuses in the collecting of them, that I cannot help thinking that the dislike, which appears against the remedy now proposed, must proceed from some other motives than gentlemen are willing to own.

It is certain, that by the frauds and abuses that are committed in this branch of the revenue, not only the public is cheated of what is due to them, but likewise every private consumer is most grossly imposed on, for he pays the same price as if the duties had actually been paid to the public: he pays a high price for what he consumes, but then he has this for his comfort, that he thinks a great part of that high price goes towards the public good of his country; but in all fraudulent trade he is imposed on, the high price he pays, goes every farthing of it into the pocket of the fraudulent dealer. This then being plainly the case, I should think that the gentlemen, who oppose this scheme, ought to endeavour to shew us, that no such frauds as are pretended, have been committed; or that they are so inconsiderable that they are not worth minding; or that what is proposed would be no sort of remedy for them: but upon the present question, to talk of our constitution seems really to me to be a sort of insinuation, as if frauds in the collecting of the public revenue were become a part of our constitution; and that whoever attempts to remedy them, must attempt something against our constitution: and as to the liberty of the subject, it is not possible for me to find out any liberty that can be struck at by the scheme now before us, but the liberty of smuggling; for as to national liberty, as to that liberty which has always been, and I hope always will be the glory of the people of these kingdoms, it is certain that our public revenues are its greatest security: how then can that scheme be said to tend towards the destroying of liberty, which so evidently tends towards the improvement of that upon which our liberty manifestly depends?

As to the raising clamours and disaffection among his Majesty's faithful subjects, there can be no reason for apprehending any such thing from the scheme now proposed to us; whatever clamours may have been unjustly raised by ill-designing men against the scheme before it was known, will certainly all vanish as soon as it comes to be publicly known that there never was any thing intended by the scheme, but only to enable the public to receive those duties they are already by law intled to; and to prevent the fair trader's being undone by rogues and smugglers: so that one strong argument with me for agreeing to the scheme is, that by carrying it into execution, and thereby shewing to every man what it really is, those ill-grounded clamours, which have been raised by the enemies of the government, may be allayed; and may be made appear to be at last as groundless as they were at first malicious. Besides, as one of the chief things intended by this scheme, is the relief of the landed interest, it must contribute towards establishing his Majesty and his government in the hearts and affections of all the landed gentlemen in England, when they see themselves so considerably relieved as to a tax, which they have been charged with for a great many years; and that without loading them, or any of their fellow subjects, with any new tax whatever, or obliging one honest man in the kingdom to contribute a farthing to the public charge more than he did before: this must secure to his

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Majesty the affections of all honest men, and it will greatly improve our character among our foreign neighbours; for when they see that the government may be supported in times of peace, without the assistance of that imposition which is yearly raised upon the landholders of Great Britain, they will be careful of giving us any disturbance or offence; they will all see that we have a fund in reserve, ready at all times, and sufficient for supporting a most heavy and expensive war.

As to the severity of the laws of excise, I am surprized to hear gentlemen talk so much of it as they do. They talk of those laws as if there were something in them most singularly severe, when it is well known that the laws of the customs are in many cases as severe as those of the Excise, and the powers granted by the former are, in most cases, as extensive as those granted by the latter: An officer of the customs has, in many cases, a power of entering the house of any subject in Britain; this is a power that is absolutely necessary to be given, and will always be necessary as long as we have any duties to be levied; it is a power they have had for many years, and yet it never has been, I hope it never will be abused; if ever it should, the parliament would, without doubt, severely chastise that officer that committed such an abuse, or those commissioners who dared to encourage him in the committing of any such abuse. In this therefore the laws of the excise are no more severe than the laws of the customs, and in most other cases we shall find them pretty much the same with respect to severity; for which reason I could not but be surprised to hear the honourable gentleman who spoke last, say, 'That he thought 'all those who were subject to the laws of ex-'cise were downright slaves, and were entirely 'deprived of their liberty:' I believe that most of those people, who are subject to the laws of excise, look upon themselves to be as free, and enjoy as much liberty, as any other of his Majesty's subjects.

One of the great complaints against this scheme is, I find, that it will greatly increase the number of excise officers; a new army of excisemen, it is said, must be raised for the execution of this scheme, and this may be of dangerous consequence to our liberties: But how little weight there is in this argument, I leave to every gentleman to judge; the whole number proposed to be added is not above 126 officers; and granting that there were to be 150, is this nation to be enslaved by 150 little excisemen? In this there is really something so ridiculous, that I am almost ashamed to mention it.

Another objection is, 'That thereby a great 'many people will be subjected to be tried by 'the commissioners of excise, or by commis-'sioners of appeal, who are entirely dependent 'on the crown, and removeable at pleasure:' But this objection is, I think, entirely removed, by making the appeal to three judges in Westminster-hall, who are all judges for life, and are consequently entirely independent on the crown. To this the gentlemen answer, 'That, 'even before those judges, the subject is not to 'be tried by a jury,' and this is loudly complained of, as if the subjecting of Englishmen to any trial but that by a jury, were a great innovation, and a dangerous encroachment upon our constitution. I own that by the great charter, by one of the fundamental articles of our constitution, every Englishman is to be tried by his peers; but has not the wisdom of the nation found it necessary to admit of many exceptions to this general rule; we have several of our most eminent courts, which are in every method of their proceeding an exception to this rule; in the court of chancery we have no trials by juries; in the high court of admiralty we have no trials by juries; and in many particular cases it is ordered, that the affair shall be tried in the most summary way without any jury: In all these cases the wisdom of the nation found it necessary to depart from the general rule established by the great charter, and therefore they altered the method of trial; Why should not the legislature now do the same? Is not their power the same? And if they see good reason for it in the present case ought not they to do it? whatever is done by the wisdom of parliament becomes a part of our constitution; and whatever new method of trial is thereby introduced, becomes from thenceforth as much a part of our constitution as ever the old one was.

Now, if ever there was a reason in any case for altering the ancient method of trial by jury, I am sure there is a very strong reason for altering it with regard to trials concerning the revenue: every gentleman, who has been the least conversant in the courts of Westminster-hall, well knows the partiality of juries in favour of those, who are sued by the crown for any frauds in the public revenue; I could give many instances of it, but I shall mention only one. [Here he informed the House of the case.] The defendant in this case was one of the most famous and the most notorious smugglers in the whole country, he had often been tried for such practices, and though he had always before escaped, yet it was thought impossible he should then get off; I had then the honour to serve the crown, and so must very well remember the trial; the evidence against him was so very full and clear, that I believe there was not a man in the court, except those on the jury, who were not fully convinced of the truth of the evidence given against him; he was, according to the opinion of every other man present, fully convicted of what he was accused of; yet the gentlemen of the jury thought fit to bring in a verdict in his favour: so that really the crown can never pretend to prevent smuggling or unfair trading, as long as the trials are to be for the most part by juries; and where it becomes necessary to alter the method of trial, the altering it in that new case can no more be said to be an innovation or an incroachment on our constitution, than the altering of it formerly in another case was.

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In short, I have as great a value for the liberty of my fellow subjects as any gentleman in this House; I shall always be ready to appear for the liberties of my country, whenever I see them in any manner attacked: but as liberty does not at all enter into the present question, it is needless to make any declarations about it, or to have it any wise under our consideration; and therefore I shall be very ready to give my assent to the motion made by the honourable gentleman near me.

Sir Philip Yorke having done speaking,

Sir *Paul Methuen* stood up again and spoke as follows:

Sir,

I rise up only to explain myself as to one particular, in which the honourable and learned gentleman over the way, for whom I have a very great respect, seems to have mistaken me, or rather has misrepresented what I said; for I did not say, that those who are now subject to the laws of excise are downright slaves, or that they are totally deprived of their liberty: I should be sorry if any such thing could be said of any man, that has the least pretence to call himself a subject of Great Britain; but I said that those, who are subjected to the laws of excise, are, so far as they are subjected to such laws, deprived of their liberty: they are deprived of a part of their liberty, and therefore cannot be said to be as free as any other of his Majesty's subjects. This is still my opinion, and if those, who are so unfortunate as to be subject to the laws of excise, were to be asked the question, Whether they think themselves as free in all cases, as those who are subject to no such laws? I believe there is not one of them but would answer, No.

Sir *John Barnard* spoke next:

Sir,

I find that the honourable gentleman who opened this scheme to the Committee, (sir R. Walpole,) and the learned gentleman who spoke since (sir Philip Yorke) make great complaints of some people's having grossly and maliciously misrepresented their scheme, before those malicious persons knew what is was. For my part, I happen to be of a very different way of thinking; for though I am far from thinking that the scheme, as now opened to us, is the very same with what it was when first formed; yet, even as it is now opened, it is such a scheme, in my opinion, as cannot even by malice itself, be represented to be worse than it really is.

Now that I know it; now that I see what it is, it appears to me to be a scheme that will be attended with all those bad consequences, that ever were apprehended from it before it was known; and I plainly foresee, that it will produce none of those good effects, which gentlemen have been pleased to entertain us with the hopes of: They have, indeed, gilded the pill a little, but the composition within is still the same; and if the people of England be obliged to swallow it, they will find it as bitter a pill as ever was swallowed by them since they were a people.

The learned gentleman was pleased to say that he was of opinion, that the opposition to this wicked scheme, for so I must call it, proceeded from other motives than gentlemen are willing to own. I do not know what motives he can mean: But I am persuaded, that those gentleman who propose this scheme, have some secret views, which it would neither be convenient or safe for them to own in this place; for as to any reasons or views, which may be openly avowed for the proposing of this scheme, I know of none, but that of preventing the frauds that may be committed in that branch of the revenue now under our consideration: and that it will not answer that purpose, has been made plainly appear by my worthy brother near me (Mr. Perry); but granting that this scheme should answer such a purpose, if the laws now in being, duly executed, are sufficient to answer that purpuse, what necessity is there for applying this new, this desperate remedy, a remedy which is certainly much worse than the disease? But before I proceed any farther, I shall desire that the Commissioners of the customs, who are attending at the door, may be called in.

[The commissioners were accordingly called in, and being asked by sir John Barnard, What they thought the value of the frauds committed in the tobacco trade might amount to one year with another? Their answer was, That they had never made any computation: but one of them said, that by a computation he had made only to satisfy his own private curiosity, he believed the frauds come to their knowledge, might amount to 30 or 40,000*l.* per annum, one year with another. Then sir John Barnard asked them whether it was their opinion, that if the officers of the customs performed their duty diligently and faithfully, it would not effectually prevent all, or most of the frauds that could be committed in the tobacco trade? To which they answered, that it was their opinion it would. Then he asked them farther, whether it was their opinion, that if the commissioners of the customs had the same power over their officers, as the commissioners of the excise have over theirs, it would not contribute a great deal towards making them more faithful in the discharge of their duty than they now are? To this their answer was, that they believed it would. After this, the commissioners being withdrawn, sir John Barnard proceeded thus:]

Sir; I now leave it to every gentleman in this House to consider, what real pretence can be formed for introducing such a dangerous scheme, as what has been proposed to us; the only pretence I have yet heard made use of is, the preventing of frauds, by which, say they, the fair trader will be encouraged, and the revenue encreased: but now you see, that is the opinion, even of the commissioners of the customs, that, by a due execution of the laws now in being, all or most of those frauds may be effectually prevented: and I am sure, if they can

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be prevented by the laws in being, the preventing of them by that method will contribute much more to the increase of the public revenue, and to the encouragement of the fair trader, than the preventing of them by means of the dangerous scheme now proposed to us. I now leave it to the whole world to judge, who are they that have secret motives which they are not willing to own; which they dare not own; Whether it be those who are the proposers and promoters of this scheme, or those who are the opposers of it?

The learned gentleman seemed to be surprised how our constitution, or the liberties of our country came to be brought into the present debate: he said, 'he thought they had no manner of concern in the present question.' I am sorry to differ from a gentleman who, by his profession, ought, who certainly does understand the nature of our constitution, as well as any man in England; but I am of opinion, that the constitution of our government, and the liberty of the subject, was never more nearly or more immediately concerned in any question, than they are in the present; they are both so deeply concerned, that their preservation or their total overthrow depends entirely upon the success of the scheme now under our consideration: If the scheme succeeds, they must tumble of course; if the scheme is defeated, they may be preserved: I hope they will be preserved till time shall be no more. But I must say, that the learned gentleman, and every gentleman who appears as an advocate for the scheme now proposed to us, is much in the right to keep, if they can, the constitution and the liberties of their country out of the debate; it is from thence that the principal arguments are to be formed against their scheme; it is from thence that such arguments may be formed against it, as must appear unanswerable to every man who has a regard for either.

The gentleman tells us, 'That there are but '120, or 150 excise officers, besides warehouse 'keepers, to be added by the scheme now be-'fore us;' and this additional number they seem to make a ridicule of; but considering the swarms of tax-gatherers we have already established, this small number, as they call it, is no trivial matter; and I would be glad to know from those gentlemen, what they call warehouse keepers, and what number of them may be necessary? I hope they will allow, that a warehouse keeper appointed by the treasury, and paid by the treasury, is an officer of the revenue, as much as any other officer whatsoever; and if the number that there must be of these be added to the other, I believe we may find that the number of revenue officers to be added by this scheme must be very considerable.

As for the new method of appeal proposed, I can see no advantage that it will be of to any unfortunate man that may have occasion for it: in all cases, the charge and trouble of attending must be very great, and the event very precarious; but in most cases, where poor retailers may have occasion to be concerned, the charge and trouble of attendance must be greater than the subject can bear, so that all such people must succumb; they must submit to the determination of the commissioners of the excise, and can expect no other redress, but what they meet with from the mercy of those commissioners. The judges of Westminster Hall are, it is true, for life, but they are all named by the crown; I shall say nothing of the present judges, who so worthily fill the several benches of Westminster Hall; but if they should die, and if the crown should be resolved to use that power, which the Parliament had put into their hands, in order to oppress the subject, they will always find Judges fit for their purpose: judges are but men, they are subject to the same frailties that other men are, and the crown has always plenty of baits wherewithal to tempt them. A judge may be made a lord chief justice, a lord chief justice may be made a lord chancellor, and every one may have a son, a brother, or a cousin to be provided for; and the crown has many other ways, by which they may win over a judge to administer justice according to the directions he shall receive from court; more especially when he is to administer justice in a summary way, and without the usual forms of proceeding in courts of law equity. For by this new method of appeal, and which has been so much bragged of, care has been taken that the subject shall not be restored to his ancient birthright, that is, to a trial by jury: No, this I find is most carefully avoided, and yet I think it must be allowed, that it is the inherent right of every Englishman to be tried by his peers; I am not so much acquainted with law, as to give an account of the several cases in which this method of trial has been set aside, or the reasons for so doing; but I will venture to say, that wherever that method has been set aside, whether the same was done by the wisdom of the nation or otherwise, such an alteration was an innovation, and was a dangerous encroachment upon the original charter of our constitution.

As to the pretended partiality of juries, so much complained of by the learned gentleman, it is of no weight with me; I cannot see how that honourable gentleman, or any gentleman, can pretend to know what reasons a jury may have for giving their verdict: no gentleman has a right to be believed upon his single say-so, against a verdict given by twelve honest men upon oath. If there have been so many verdicts given against the crown, as that learned gentleman seems to insinuate, it is to me a strong proof that prosecutions have been set on foot against the subject, upon the evidence of witnesses, whose credibility or veracity have not been very much to be depended on; which is so far from being an argument for altering the method of trial by jury, that it is a very strong argument for the continuance of that method in all time to come. But as it is now very late, and as I shall probably have another opportunity of giving my sentiments more fully upon the affair now before us, I shall trouble you no

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farther at present, but only to declare, that now, after hearing this scheme opened to us, I dislike it as much as ever I did any representation of it that ever I heard of, and therefore shall give my negative to the question proposed.

Sir *Joseph Jekyll* spoke as follows:

Sir;

As the affair, which is at present the subject of our consideration, has been much talked of, and variously represented without doors; and as it has been for some months the subject of conversation amongst people of all ranks and qualities, I was fully resolved to suspend my judgment in relation to it, till I should hear it fully opened and laid before this House. There were, indeed, such clamours raised without doors, and it was represented in so many hideous shapes, that I cannot say but I came this morning to the House, if prejudiced, rather against than in favour of any such project; but still I came, as I always do, altogether undetermined, and resolved so to remain, till I was fully informed by other gentlemen, in the course of the debate, of all those facts which ought to be known, before any determination can be made in an affair of so great importance.

I had before heard, that by this scheme the landed gentlemen were to be eased of a part of the land tax; that the public revenue was to be greatly improved; and that our planters in America, and our fair traders at home were to be greatly encouraged: but all these considerations would have had no weight with me, if I had found that so many of my fellow-subjects were thereby to have been subjected to the grievous laws of excise, without any alleviation or alteration. I must own, that the severity of the laws of excise has been long justly complained of, but at the same time I must say, that the many frauds committed in that branch of the public revenue now under our consideration are most heavy and grievous, and what I cannot think of seeing the nation suffer any longer under, without applying some proper remedy; and since by the proposition now made to us, there is not only an effectual remedy provided against all those frauds, but likewise a method proposed, by which the edge of the laws of excise is to be blunted, and that severity taken quite off, which hitherto afforded just ground of complaint, therefore I cannot hesitate one moment as to giving my assent to what is now proposed.

This consideration is of the greater weight with me, and must be so with every honest man, that by what is now proposed, the laws of excise are to be rectified, not only in the case now before us, but in every other case; the whole body of those laws are to be reformed and rectified in such a manner, as to remove the greatest objection, with me indeed the only objection that could ever be made against the extension of them; and if this proposition be now rejected, it is not easy to know when we shall, or if we shall ever have such an opportunity of reforming those laws, which have been so long thought so grievous. With me it hath always been a principle, to hearken to any reasonable scheme for suppressing of those frauds which are committed against the public; I look upon the persons guilty of such frauds as the greatest criminals, and if they have any character, if they observe any decency in private life, I take it to be only because they have no opportunity to do otherwise; for that man must have a very whimsical conscience, who cheats the public, and yet would scruple to cheat a private man if he had the same opportunity.

Whatever resolutions we may come to in this Committee, there will probably be a Bill or Bills ordered to be brought in pursuant to them; and if in the course of the debate, any real difficulties be started, if any reasonable objections be made, without doubt all proper care will be taken in the framing such Bill or Bills, to obviate all those difficulties and objections: this I make no manner of doubt of, and therefore I can find no difficulty in giving my assent to the question proposed.

Mr. *Heathcote* stood up and said:

Sir;

Other gentlemen have already fully explained and set forth the great inconveniences, which must be brought on the trade of this nation, by the scheme now proposed to us; those have been made very apparent, and from them arises a very strong objection against what is now proposed: but the greatest objection arises from the danger to which this scheme will most certainly expose the liberties of our country; those liberties, for which our ancestors have so often ventured their lives and fortunes; those liberties which have cost this nation so much blood and treasure, seem already to be greatly retrenched: I am sorry to say it, but what is now in dispute seems to me to be the last branch of liberty we have to contend for; we have already established a standing army, and have made it in a manner a part of our constitution; we have already subjected great numbers of the people of this nation to the arbitrary laws of excise, and this scheme is so wide a step towards subjecting all the rest of the people of England to those arbitrary laws, that it will be impossible for us to recover or to prevent the fatal consequences of such a scheme.

We are told that his Majesty is a good and a wise prince, we all believe him to be so; but I hope no man will pretend to draw any argument from thence for our surrendering those liberties and privileges, which have been handed down to us by our ancestors: we have, indeed, nothing to fear from his present Majesty; he never will make a bad use of that power which we have put into his hands; but if we once grant to the crown too great an extent of power, we cannot recal that grant when we have a mind; and though his Majesty should never make a bad use of it, some of his successors may: the being governed by a wise and a good king, does not make the people a free people; the Romans were as great slaves under the few good emperors they had to reign over them, as they were under the most cruel of

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their tyrants: after the people have once given up their liberties, their governors have all the same power of oppressing them, though they may not perhaps all make the same wicked use of the power lodged in their hands; but a slave that has the good fortune to meet with a good-natured and a humane master, is no less a slave than he that meets with a cruel and barbarous one. Our liberties are too valuable, and have been purchased at too high a price, to be sported with, or wantonly given up, even to the best of kings: we have before now had some good, some wise and gracious sovereigns to reign over us, but we find that under them our ancestors were as jealous of their liberties, as they were under the worst of our kings: it is to be hoped that we have still the same value for our liberties; if we have, we certainly will use all peaceable methods to preserve and secure them; and if such methods should prove ineffectual, I hope there is no Englishman but has spirit enough to use those methods for the preservation of our liberties, which were used by our ancestors for the defence of theirs, and for transmitting them down to us in that glorious condition in which we found them. There are some still alive, who bravely ventured their lives and fortunes in defence of the liberties of their country; there are many whose fathers were embarked in the same glorious cause. Let it never be said, that the sons of such men wantonly gave up those liberties for which their fathers had risked so much, and that for the poor pretence of suppressing a few frauds in the collecting of the public revenues, which might easily have been suppressed without entering into any such dangerous measures. This is all I shall trouble you with at present, but so much I thought was incumbent upon me to say, in order that I might enter my protest against the question now before us.

Mr. *Pulteney* spoke next:

Sir; The honourable gentleman, who opened this affair to us, took up so much of the time of the Committee, and it is now so very late, that I am almost afraid of giving you any trouble at present; but I hope, considering the importance of the subject, that gentlemen will excuse me, and will allow me to take some notice of what has been said by the honourable gentleman who introduced the debate, and the honourable and learned gentleman who spoke last but one. As to the frauds which the honourable gentlemen dwelt so long on, and which the honourable and learned gentleman was pleased to call heavy and grievous, I believe every gentleman in the Committee is convinced that there are such frauds, I believe every gentleman will agree that they are most heavy and most grievous: but I do not believe that it is of late only that the honourable gentlemen has come to the knowledge of them, nor do I believe that the frauds relating to wine and tobacco, are the only frauds he has heard complained of; there is hardly a gentleman in the kingdom, but has heard of frauds in almost every branch of the public revenue; even that honourable gentleman must have heard many years ago of the frauds committed in the tobacco and wine-trade; Why then was there no remedy sooner proposed? How could that gentleman see the public revenue, for which he expresses such a tender concern, suffer so long by those frauds, without proposing some expedient for preventing them: The expedient now proposed is certainly no such new or extraordinary thing; it might have been thought of, I dare say it has often been thought of before this time, but it seems it was never thought proper to propose it till now; at least it was never till now thought necessary; and yet it cannot be said, but that the frauds both in wine and tobacco were as great formerly as they are at this present time.

The honourable gentleman has been pleased to tell us, that his thoughts are entirely confined to the two articles of wine and tobacco, and that nothing else was ever designed by him, or any of his acquaintance, to be subjected to the laws of excise: Whatever his thoughts may have been in time past, he must excuse me if I say, that I do not believe they will be so much confined in time to come. Are there not frauds committed in every branch of the public revenue? Will not that honourable gentleman think himself as much bound in duty to lay those frauds before this House, and propose a remedy for them, as he now thinks himself bound to expose, and to offer a remedy for preventing the frauds in wine and tobacco? And if the remedy now proposed, be deemed by parliament the most proper and effectual remedy for preventing the frauds in wine and tobacco, will not that be made use of as an argument for applying the same remedy as to the frauds in every other branch of the public revenue? Will it not be said, you did so and so in the case of wine and tobacco, why should you scruple to apply the same remedy in the case now before you? So that, from the gentleman's own reasoning, from his own way of arguing as to the case which he has been pleased now to lay before us, one may see a most plain and evident design of a much farther extension of the laws of excise; one may clearly see a design of subjecting every branch of the public revenue to those arbitrary laws; only the gentleman has a mind, it seems, to be a little cunning, and to do it by piece-meal.

Whatever opinion the honourable and learned gentleman may have of the proposition made by his honourable friend, it is plain it breathes nothing but the principles of the most arbitrary and most tyrannical governments, that have been established in Europe: The enlarging the power of the crown; increasing the number of dependents on the crown; rendering the happiness of the subject precarious and uncertain, and depending in a manner entirely on the good-will of a prime minister, or of those employed under him, are the certain consequences of the Scheme now proposed to us; they are the certain consequences of all Schemes for extending the laws of excise, and are probably

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the principal views of all those who set up such projects. Let gentlemen but read the political Testaments of Richlieu and Louvois, those legacies which were left by the authors to their master, for instructing him in the principles of arbitrary government; let gentlemen, I say, but read those testaments, and they will see, that the author of this Scheme, whoever he be, must be very well versed in them; they will see how well it agrees with the principles there laid down for the establishing and supporting of arbitrary power. It is for this reason that the English nation has always been so averse to excise-projects of all kinds; the very word 'Excise' has always been odious to the people of England. It is true, there has been an excise established by parliament, but it was first given as a purchase for the court of wards and liveries; and though that court was most justly looked on as one of our greatest grievances, yet the purchase has always been reckoned too dear, and that parliament which gave the excise has been branded with the infamous name of a pensionary parliament. Even the great king William, notwithstanding all he had done for the people of England, notwithstanding he was most generally beloved and esteemed by his subjects, yet he had like to have suffered by a notion's prevailing among the people, that some new excises were to have been established. It was publicly said, that we had got a Dutch king, and that therefore we were to be saddled with Dutch excises: That wise king was so sensible of the danger he might be exposed to, by the prevalence of such a notion, that he thought it necessary to disavow any such intention by a public declaration.

I most readily believe, that the honourable and learned gentleman over the way comes at all times to this House, undetermined as to any point that is to be brought before us; I believe he always comes resolved to be determined by what shall be offered in the course of the debate; but I am very much at a loss to find out what in the present debate has determined him to be of the opinion he now seems to be of: He has, indeed, told us, 'That the 'reformation proposed as to the laws of excise, 'is what very much weighs with him:' He says, 'That the laws of excise are to be blunted, 'and their edge is to be taken off by what is 'now proposed.' In this, I must confess my shortsightedness, I can see no reformation in what is proposed; what I look upon as most grievous in the laws of excise is to continue the same as before: Are not the officers to have the same oppressive and vexatious powers continued to them? Are not the commissioners to have the same dispensing power with regard to fines and forfeitures? Are trials by jury to be restored to the subjects? No, all these grievances are to remain on the same footing they were before. The power and influence of the crown, by means of the laws of excise, is still to be as great as it was before, only there are by this scheme many thousands more to be subjected to it: The method of appeal is, indeed, to be a little altered, but I am afraid the alteration will not be much for the better; the expence will be much greater, and the redress as precarious as ever it was before: How then are the laws of excise to be blunted? Where is this reformation so much boasted of, and on which that honourable and learned gentleman seems solely to ground his opinion? But it seems he expects, that when this proposition comes to the length of a bill, many fine things are to be done, many more things than we have ever yet heard of: If it should come to the length of a bill, which I am in great hopes it never will, he may very probably find himself disappointed; and if that should be the case, I doubt not but he will be of a different opinion.

Gentlemen have said, that there are no complaints made of the laws of excise, or of the oppressions of excise officers; but I believe there is no gentleman in this House, who cannot give some instances, even within his own knowledge, of most cruel oppressions committed by some of those officers: I am sure there is no gentleman who has ever acted in the country as a justice of peace, but can give hundreds of such instances. The people have complained so often, and so long, of the severity of those laws, and the vexation of those officers, that they are now weary of complaining: To what purpose should they complain, since they see there has never as yet been any provision made for their redress? Their complaints have been hitherto disregarded, even by those who are in some manner bound to take notice of them.

The honourable gentleman was pleased to dwell long on the generosity of the crown, in giving up the fines, forfeitures, and seizures to the public; but, in my opinion, it will be but a poor equivalent for the many oppressions and exactions, which the people will be exposed to by this scheme. I must say, that the honourable gentleman has himself been of late mighty bountiful and generous, in his offers to the public: He has been so gracious as to ask us, 'Will you have a land-tax of two shillings in 'the pound, or a land-tax but of one; or will 'you have no land-tax at all? Will you have 'your debts paid? Will you have them soon 'paid? Tell me but what you want, let me but 'know how you can be made easy, and it shall 'be done for you.' These are most generous offers, but there is something so very extraordinary, there is something so farcical in them, that really I can hardly mention them without laughing: It puts me in mind of the story of sir Epicure Mammon in "The Alchimist;" he was gulled out of his money by fine promises; he was promised the philosopher's stone, by which he was to get mountains of gold and every thing else he could desire; but all ended at last in some little thing for curing the itch.

I wish the gentlemen, who appear so zealous for this scheme, would have some little regard to their constituents. It is well known that it was the custom among our ancestors, when any

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new device was proposed, to desire time to have a conference with their countries; I am but very little conversant in books of law, however I sometimes look into them; and I must beg leave to read a passage or two on this subject, from my lord Coke. That great lawyer, in the 4th part of his Institutes, page 14, says, 'It is also the law and custom of the parliament, 'that when any new device is moved on the 'King's behalf, in parliament, for his aid, or 'the like, the Commons may answer, that they 'tendered the King's estate, and are ready to 'aid the same, only in this new device they 'dare not agree without conference with their 'countries; whereby it appears, that such 'conference is warrantable by the law and cus-'tom of parliament.' And again, page 34, he tells us, 'At the parliament holden in the '9th of king Edward 3, when a motion was 'made for a subsidy of a new kind, the Com-'mons answered, that they would have con-'ference with those of their several countries 'and places, who had put them in trust, before 'they treated of any such matter.' If such a conference was ever necessary upon any occasion, it is surely necessary before we agree to the device now offered to us; a device which, in my opinion, strikes at the very root of our liberties; it is, in my way of thinking, a downright plan for arbitrary power; and in this I am not singular, for there seems to be many gentlemen of the same opinion within doors as well as without; therefore I must think that it is necessary, it is incumbent upon every gentleman in this House, at least, to desire to have a conference with his constituents, before he agrees to any such device: This would have been necessary, if we had been entirely ignorant of the sentiments of our several countries; but indeed in the present case, such a conference seems to be quite unnecessary; we already know the sentiments of our constituents in relation to the device now offered to us; the whole nation has already, in the most open manner declared their dislike to it; and therefore I hope the gentlemen of this Committee will reject it with that scorn and contempt it deserves.

Sir *William Wyndham* spoke next:

Sir, Though it be now very late, yet I must beg leave to offer my sentiments upon the question now in debate; for it is a question of such importance, that I should not think I discharged the duty I owe to my country, without declaring in the most open and public manner, my dislike and abhorrence of the Scheme which has been now opened to us. The Scheme, as now explained to us, has, in my opinion, been no way misrepresented; it is the very same with what has been represented to us, it is the very same with that which the nation has so openly and so generally declared their dislike to; it is fraught with all those evils which were ever attributed to it, and most apparently strikes at the very fundamentals of our constitution. The collecting of any duties by the laws of Excise, has, in all ages, and in all countries, been looked on as the most grievous and most oppressive method of collecting taxes; and if one method of raising an Excise can be more oppressive than another, it must be granted, that the method now proposed to us, of raising this new Excise, must of all methods be the most oppressive and the most vexatious to the people: in all countries, Excises of every kind are looked on as badges of slavery; and though the English nation be now unfortunately subjected to some of them, yet I hope they will never consent to any new Excises, or to any new extension of the laws of Excise, let the pretences for so doing be ever so specious.

But in the present case, let us consider what are the specious pretences made use of, what are the great advantages proposed, for persuading us to consent to the subjecting so many of his Majesty's faithful subjects to be plagued and harrassed by the officers of Excise. The suppressing of frauds, and the advantages that will accrue therefrom to the public and to the fair trader, is by what I can find, the only pretence now made use of; and yet those frauds, even aggravated as they were by the honourable gentleman who proposed this Scheme to us, do amount to a mere trifle; so that the improvement to be made, as to the public revenue, will but be very inconsiderable, if any at all, after deducting the additional charges of management, which the public will become liable to by the great increase of officers. This pretence therefore, even when set in the strongest light can be no sufficient argument for prevailing on us to expose our constitution to the least danger, or to subject any of our fellow-countrymen to great hardships: But this pretence is still more frivolous, since it has been made appear to us, that those frauds are not at all so considerable as they have been represented, that all sorts of frauds cannot be prevented, even by the Scheme now proposed; and that many of those frauds, that have been lately committed, might be prevented by the laws now in being, if care were taken to have proper officers, and to make those officers diligent and faithful. I grant, indeed, that the power and influence of the crown will be greatly increased and improved by this Scheme; I must own that great numbers of the people of this nation will thereby be rendered most submissive and obedient to those that shall hereafter be employed by the crown; and if this be a motive for agreeing to this Scheme, I must allow that it is a strong one, I believe indeed that it is the only real one that any gentleman can have for giving his consent to such a Scheme; but with me it is so far from being a motive for giving my consent, that it is the stongest motive I have for giving my negative to the question now before us, because I think it absolutely inconsistent with our constitution.

It is true, an ease to the landed interest has upon this, as well as upon some other late occasions of the like nature, been thrown out as a

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bait for some gentlemen: but I hope the landed gentlemen are not to be caught by such baits; the hook appears so plain, that it may be discovered by any man of common sense; however, I must say, that the method of arguing is unfair, the design is wicked; for it is an endeavour to set the landed interest in a manner at war with the trading interest of the nation; it is endeavouring to destroy that harmony which always ought to subsist among the people of the same nation, and which if once destroyed, would certainly end in the ruin and destruction of the whole. But every landed gentleman in England will do well to consider what value their lands would be of, if for the sake of a small and immediate ease to themselves, they should be induced to oppress and destroy the trade of their country; and whoever considers this, will despise all such projects, and reject them with that contempt which they deserve; this is one reason for the landed gentlemen not to accept of the pretended ease, now offered to them, on agreeing to the Scheme now proposed; but there is another strong reason against it: This House of Commons is mostly composed of gentlemen of the best families and greatest properties, perhaps in the nation, they have generally a great family-interest in the several counties, cities and boroughs they represent; if this Scheme should take effect, that interest will soon be destroyed; and surely no man will agree to a Scheme, which must inevitably destroy the natural interest the great families have, and always ought to have, in their respective counties; and transfer the whole to the crown: if this Scheme should once be established, the power and influence of the crown will be so great in all parts of the nation, that no man can depend upon the natural interest he has in his country for being a member of this House; he must in all future times for such a favour depend entirely upon the crown; and this, I hope, there is no gentleman in this House would chuse to submit to.

Queen Elizabeth, that wise and gracious princess, governed herself by politics, quite different from those which seem to be at present in vogue; she was so far from endeavouring to divide or throw discord among her subjects, that she wisely never gave herself up to any one minister, or to any one party; she always preserved a harmony among all her subjects, and kept a friendly correspondence with all parts and all parties in the kingdom; she even kept up a constant personal correspondence with some of the principal men in every county, by which she had always a thorough knowledge of the several sentiments, as well as circumstances, of all her subjects, and most prudently adapted all her measures to what she found to be the sentiments of the generality of the nation; more particularly she took care to avoid every thing that appeared to be disagreeable to the people; to this wise policy it is owing, that her reign makes such a glorious figure in the English history; to this it is owing, that she reigned with more popularity than any prince since her time, except her royal successor queen Anne. Thus she reigned, and reigned absolutely, but so as I could wish every prince in England to do; she reigned absolutely over the hearts and affections of her subjects, and thereby she had both their persons and their purses always at command.

Gentlemen ask, why do you complain of this scheme? Here is no new tax to be imposed; there is nothing proposed but only a new method of raising those taxes which are already due by the law: but I would have gentlemen remember, that this nation has once already been more grievously oppressed, by a new method of raising and collecting that money that was before due by law, than they ever were by any new tax that ever was laid on them: I have already mentioned the reign of Queen Elizabeth; let us but look a little farther back, and we shall find that the people were most terribly harassed, and the nation almost destroyed, by a grievous method of collecting and raising that which was due by the laws then in being. Empson and Dudley, those two noted ways-and-means-men, those two wicked ministers, knowing the avarice of their master, and the insatiable desire he had for money, concluded that no scheme would be more agreeable to him, than those which would fill his coffers by draining the purses of his subjects; and this they did, without imposing any new taxes, they laid no new or illegal burdens on the people, they did it by a severe and rigorous execution of the laws that had before been enacted: but what was their fate? They had the misfortune to outlive their master: but his son, as soon as he came to the throne, took off both their heads; and in this he did justly, though he did it against law: they had done nothing contrary to law; they had only put the laws severely in execution, and what they did was in obedience to the command of the King his father; yet that could be no excuse for them; their manner of executing those laws was so grievous and oppressive upon the subjects, that nothing less than their lives could be admitted of as a sufficient atonement to the people; and certainly, that oppression which is committed under the sanction of the laws, or of the royal authority, must always be deemed the most heinously criminal, and ought to be the most severely punished.

There never was in any reign a scheme or project attempted, so much to the dislike and dissatisfaction of the people in general; the whole nation has already so openly declared their aversion to the scheme now offered to us, that I am surprized to see it insisted on; the very proposing of such a scheme to the House of Commons, after so many remonstrances against it, I must think most audacious; it is in a manner flying in the face of the whole people of England; and since they have already declared against it, God forbid that we who are their representatives should declare for it.

Sir *Robert Walpole* replied as follows:

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Sir,

As I was obliged, when I opened the affair now before you, to take up a great deal of your time, I then imagined that I should not have been under a necessity of giving you any farther trouble; but when such things are thrown out, things which in my opinion are quite foreign to the debate; when the ancient histories, not only of this, but other countries, are ransacked for characters of wicked ministers, in order to adapt them to the present times, and to draw parallels between them and some modern characters, to which they bear no other resemblance than that they were ministers, it is impossible for one to sit still: of late years, I have dealt but little in the study of history, but I have a very good prompter by me, [*meaning sir Philip Yorke*] and by his means I can recollect, that the case of Empson and Dudley, mentioned by the honourable gentleman who spoke last, was so very different from any thing that can possibly be presumed from the scheme now before us, that I wonder how it was possible to lug them into the debate: the case as to them was, that they had by virtue of old and obsolete laws, most unjustly extorted great sums of money from people, who, as was pretended, had become liable to great pains and penalties, by having been guilty of breaches of those obsolete laws, which for many years before had gone entirely into disuse. I must say, and I hope most of those that hear me think, that it is very unjust and unfair to draw any parallel between the characters of those two ministers and mine, which was, I suppose, what the honourable gentleman meant to do, when he brought that piece of history into the debate. If I ever endeavour to raise money from the people, or from any man whatever by oppressive or illegal means, if my character should ever come to be in any respect like theirs, I shall deserve their fate: but while I know myself to be innocent, I shall depend upon the protection of the laws of my country; as long as they can protect me I am safe; and if that protection should fail, I am prepared to submit to the worst that can happen. I know that my political and ministerial life has by some gentlemen been long wished at an end, but they may ask their own disappointed hearts, how vain their wishes have been; and as for my natural life, I have lived long enough to learn to be as easy about parting with it, as any man can well be.

As to those clamours which have been raised without doors, and which are now so much insisted on, it is very well known by whom and by what methods they were raised, and it is no difficult matter to guess with what views; but I am very far from taking them to be the sense of the nation, or believing that the sentiments of the generality of the people were thereby expressed. The most part of the people concerned in those clamours did not speak their own sentiments, they were played by others like so many puppets: it was not the puppets that spoke, it was those behind the curtain that played them, and made them speak whatever they had a mind.

There is now a most extraordinary concourse of people at our door; I hope it will not be said, that all those people came there of themselves naturally, and without any instigation from others; for to my certain knowledge, some very odd methods were used to bring such multitudes hither; circular letters were wrote, and sent by the beadles, in the most public and unprecedented manner, round almost every ward in the city, summoning them upon their peril to come down this day to the House of Commons: This I am certain of, because I have now one of those letters in my pocket; signed by a deputy of one of the greatest wards in the city of London, and sent by the beadle to one of the inhabitants of that ward; and I know that such letters were sent in the same manner almost to every liveryman and tradesman in that ward: And by the same sort of unwarrantable methods have the clamours been raised, almost in every other part of the nation.

Gentlemen may say what they please of the multitudes now at our door, and in all the avenues leading to this House: they may call them a modest multitude if they will; but whatever temper they were in when they came hither, it may be very much altered now, after having waited so long at our door: It may be a very easy matter for some designing seditious person to raise a tumult and disorder among them, and when tumults are once begun, no man knows where they may end; he is a greater man than any I know in the nation, that could with the same ease appease them; for this reason I must think, that it was neither prudent nor regular to use any methods for bringing such multitudes to this place, under any pretence whatever. Gentlemen may give them what name they think fit; it may be said that they came hither as humble supplicants, but I know whom the law calls Sturdy Beggars,* and those who brought them hither could not be certain, but that they might have behaved in the same manner. Hereupon

Sir *John Barnard* rose up to speak, but there being a disorder in the Committee, and the question being loudly called for,

Sir *John Hinde Cotton* stood up, and spoke thus:

To order, Sir, I hope you will call gentlemen to order; there is now a gentleman up to speak; a gentleman who speaks as well as any gentleman in this House, and who deserves attention as much as any gentleman that ever spoke in this House: Besides, he is one of the representatives of the greatest and richest city in Europe, a city which is greatly interested in this

* "I was informed, on the respectable authority of the late much to be regretted lord John Cavendish, that the minister used the phrase sturdy beggars, not as a matter of reproach, but to mark that the petitioners against the excise were formidable petitioners." Coxe's Walpole.

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debate, and therefore he must be heard; and I desire, Sir, that you will call to order, that the Committee may shew him at least that respect, which is due to every gentleman who is a member of this House.

After this the Committee being called to order,

Sir *John Barnard* went on:

Sir, I know of no irregular or unfair methods that were used to call people from the city to your door; it is certain that any set of gentlemen or merchants may lawfully desire their friends, they may even write letters, and they may send those letters by whom they please, to desire the merchants of figure and character to come down to the court of requests and to our lobby, in order to solicite their friends and acquaintance against any scheme or project, which they think may be prejudicial to them. This is the undoubted right of the subject, and what has been always practised upon all occasions. The honourable gentleman talks of Sturdy Beggars, I do not know what sort of people may be now at our door, because I have not lately been out of the House; but I believe they are the same sort of people that were there when I came last into the House, and then I can assure you that I saw none, but such as deserve the name of sturdy beggars as little as the honourable gentleman himself, or any gentleman whatever. It is well known that the city of London was sufficiently apprised of what we were this day to be about; where they got their information I do not know, but I am very certain that they had a right notion of the scheme which has been now opened to us; and they were so generally and zealously bent against it, that whatever methods may have been used to call them hither, I am sure it would have been impossible to have found any legal methods to have prevented their coming hither.

Then after some farther debate, the question being put upon the motion made by sir Robert Walpole, it was carried in the affirmative, by 266 voices against 205.*

A LIST OF THE MEMBERS WHO VOTED FOR THE EXCISE SCHEME.

N.B. * These afterwards voted against the Bill.

Mr. Winnington, Teller.

Alston, sir Rowland	Austen, sir Robert
Andrews, Townshend	Bacon, Waller
Anstruther, sir John	Bacon, sir Edmund, (of Gillingham)
Anstruther, col. Ph.	Baker, capt. Hercules
Areskine, Charles	Bateman, Will. visc.
Arundel, hon. Rich.	Beauclerk, lord Vere
Ashburnham, sir Will.	Bennet, Thomas
Ashe, Edward	

such perspicuity and strength of argument, that every body that heard him allows that he never made a better speech in his life. After him spoke alderman Perry, then sir William Yonge, sir Paul Methuen, Mr. Attorney General, alderman Barnard, Mr. Winnington, Mr. Henry Pelham, Mr. Shippen, sir Joseph Jekyll, Mr. Heathcote, Mr. Solicitor-General, Mr. Pulteney, sir William Wyndham, and then sir Robert Walpole closed the debate; and about half an hour past midnight the question was put, and carried by 265 against 204; the fullest House that has been known this long time; to these must be added the two tellers, and there are besides 11 members in town that were prevented by sickness, and one, viz. sir Robert Furnese, died yesterday: so that your excellency sees this matter was well attended. Indeed I look upon it to have been the sheet anchor of the disaffected; and by a particular circumstance that happened without doors, it looks as if nothing can hardly equal the rage of the disappointed cabal.

"The debate was carried only by those who spoke for the question, with all the temper and dignity that was ever known upon such an occasion. Those whose speeches were most admired were sir Robert, who possest himself, and was in as high spirit at the latter end of the day as when he first set out; the attorney and the solicitor-general, and sir Joseph Jekyll; which last, though most firmly attached to the royal family and to the constitution, yet from a particular turn of his own, seldom votes with the King's servants. Two other gentlemen have been named to me who went to the House determined to vote against the question, yet voted for it upon conviction; their principles and the company they keep being such that this was not in the least expected. As for sir Joseph, he solemnly protested that he came undetermined, but perfectly free and resolved to take that part which upon the debate should appear to him the most just and reasonable; and that having heard the strongest arguments on one side, and none on the other but what were trifling and evasive, of all which on both sides he made a very handsome and fair recapitulation, he was for the question.

"I must own that, though I did not doubt but the thing would be carried, yet the majo-

* "The debate was protracted till two o'clock in the morning, an hour at that time considered extremely late. The people without were so exasperated, that as sir Robert passed towards his carriage, some of them caught him by the cloak, and would probably have committed some violent outrage on his person, if his son, Edward Walpole, and general Churchill had not interfered."—Coxe's Walpole.

"Whitehall, March 15th, 1732-3. It is with the greatest pleasure that I am now going to give your excellency an account of the success of yesterday's debate, which is perhaps one of the most important that has happened since the Revolution. It was opened about a quarter before one, by sir Robert Walpole, who spoke two hours and a quarter, explaining and shewing the advantages of his scheme with

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Berkeley, hon Henry	Burchet, Josiah
Bladen, Thomas	Burton, William
Bladen, col. Martin	Butler, James
Bond, John	Byng, hon. Robert
Bradshaigh, sir Roger	Campbell, John
Bridgman, sir Orlando	Campbell, John, jun.
Bristow, Robert	Campbell, Daniel
Britiffe, Robert	Campbell, James
Brodie, Alexander	Campbell, sir James
Bromley, Henry	Campbell, Peter
Brooksbank, Stamp	Carey, Walter
Brudenel, hon. James	Carre, William
Carnarvon, marq. of	Finch, hon. Henry
* Cavendish, lord C.	Fitzroy, Charles
* Cavendish, lord Jas.	Fitzwilliam, visc.
Chamberlayne, Geo.	Forbes, Duncan
Cholmondeley, hon J.	Fortescue, William
Churchill, brig. Chas.	Fox, Stephen
* Clerke, sir Thomas	Frankland, sir Thomas
Clayton, sir William	Gage, sir William
Clayton, William	Gallway, visc.
Clifton, sir Robert	Gibson, Thomas
Clutterbuck, Thomas	Glenorchy, visc.
Cockburne, John	Gough, sir Henry
Conduit, John	Gould, Nathaniel
Cope, sir John	Gould, John
Cope, col. John	Grant, sir James
Copelston, Thomas	Gregory, George
Corbet, William	Griffith, capt. John
Cornwallis, hon. Step.	Grimston, Will. visc.
Cornwallis, hon. John	Hales, sir Thomas
Cotton, sir R. Salisbury	Hales, Thomas
Cracherode, Anthony	Hamilton, Alexander
Croft, sir Archer	Hamilton, lord Arch.
Crosse, John	Hamilton, John
Crowle, George	Handasyd, Roger
Cunningham, Henry	Harbord, Harbord
Danvers, Joseph	Harris, John
Darcy, sir Conyers	Harrison, George
Docminique, Paul	Heathcote, sir John
Doddington, George	Hedges, John
Douglas, capt. Robt.	Henley, Henry Holt
Downing, sir George	Herbert, Henry Arthur
Drummond, John	Herbert, hon. R. S.
Duckett, col. William	Hervey, lord
Dunbar, Patrick	Hinxman, Joseph
Duncombe, Anthony	Houghton, sir Henry
Edgcumbe, Richard	Hope, Thomas
Edward, Samuel	Hoste, James
Eliot, Richard	Hotham, sir Charles
Erle, Giles	Howard, col. Charles
Erle, Will. Rawlinson	Howarth, sir Humph.
Erskine, capt. Thomas	Hucks, William
Evans, capt. Richard	Hucks, Robert
Evelyn, John	Huxley, George
Eversfield, Charles	Jekyll, sir Joseph
Eyles, capt. Francis	Jennings, sir John
Fane, hon. John	Ingoldesby, Thomas
Fane, Francis	Ingram, hon. Henry
Farrington, Thomas	Jewks, John

rity was greater than I expected, considering the artifices that had been used to inflame the corporations, and engage a majority in several of them to write to their members to oppose the scheme, which could not but have an influence upon many of them with regard to their future elections, which are not very distant. Besides the abolishing of frauds, perjury, &c. which have been too much practised in the customs, and other considerations with respect to the duty itself, (for tobacco only was the subject, wine being reserved for another debate after Easter,) your excellency will easily see the happy effects of this event. Among others, it will shew the malecontents, that neither the ministry nor the parliament are to be intimidated by popular clamour from doing what is for the King and country's service. And then it will give room for taking off the land tax intirely, which will be a fund of two millions, and much more if it could be equally laid, ready for any emergency; and which tax will in such case be more cheerfully paid by the landed men, when they see that they are not to be eternally loaded with it; but that it is laid upon them (if the misfortunes of the time should require it) out of mere necessity, and to be taken off again when that necessity ceases. Your excellency will forgive my indulging the satisfaction arising from these comfortable reflections, by mentioning what you, from your own observations, will feel much better than I can pretend to explain it. I come now to obey my lord duke of Newcastle's commands, by making his excuses for not answering your last letters, which he will do very soon.

"I must add a word about the multitude that crowded the Court of Requests, Westminster-hall, and the other places and passages adjoining to the House of Commons. It could not well be otherwise, where two such numerous trades as the tobacconists of all ranks were, and the vintners of all denominations apprehended themselves to be concerned; but there happened nothing like a tumult; and the precaution that had been taken as usual on like occasions, to have justices of peace and constables ready in the neighbourhood, proved quite unnecessary. As to the dissatisfied vintners and shopkeepers in country corporations, if any should continue so, their neighbours that have estates, and by whose custom they subsist, will be eased of the land tax, and being pleased with it, will be able to bring their tradesmen soon into temper.

"I omitted doing justice to sir William Wyndham, who made the most of a bad argument, and spoke extremely well. Perry's Speech was next. The rest of that side were not applauded; nor did they speak so well as some of them have talked upon other occasions."—De la Faye to the Earl of Waldegrave: Coxe's Walpole.

"His royal highness the Prince of Wales was present at the debates in the House of Commons; as was likewise a great number of the nobility and foreign ministers: There was likewise the greatest concourse of people in Westminster-hall, the Court of Requests, the Lobby, &c. that has been known for many years."—London Magazine.

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Kelsal, Henry
Knight, John
Knollys, Henry
Lane, sir Richard
Laroche, John
Leathes, Carteret
Leheup, Isaac
Lewis, Thomas, (of Soberton)
Lewis, Thomas, (of Radnor)
Liddel, George
Lisburne, visc.
Lloyd, Richard
Lloyd, capt. Philip.
Lockyer, Chas.
Longueville, Chas.
Lowther, sir Will.
Lowther, hon. Anthony
Lumley, hon. John
Lyttelton, sir Thomas
Malpas, visc.
Manners, lord Will.
Martin, Thomas
Medlycott, Thomas
Meredith, sir Roger
Micklethwait, visc.
Middleton, col. John
Mill, sir Richard
Monro, sir Robert
Mouro, John
Monson, George
Montagu, hon. col. E.
Mordaunt, col. John
Moore, Robert
Morgan, Thomas
Morton, hon. M. Ducie
Murray, John
Nasmith, sir James
Neal, John
Nicoll, sir C. Gounter
Norton, Thomas
Offley, Crew
Onslow, Arthur, (Speaker)
Onslow, col. Richard
Orlebar, John
Owen, William
Oxenden, sir George
Papillon, David
Parsons, Henry
Pearse, Thomas
Peirse, Henry
Pelham, hon. Henry
Pelham, Thomas, (Lewes)
Pelham, Thomas, (Stanmore)
Pelham, James
Pelham, Thomas, jun.
Perceval, visc.
Piers, col. William
Pitt, Thomas
Pitt, col John
Polhill, David
Powlett, lord Harry
Powlett, William
Powlet, Norton, sen.
Powlet, Norton, jun.
Powlet, C. Armand
Price, Uvedale
Pulteney, col. Henry
Purvice, capt. George
Ramsden, John
Reade, sir Thomas
Reade, col. George
Rich, sir Robert
Ryder, Dudley
Roberts, Gabriel
Robinson, sir Thomas
Rutherford, James
St. Quintin, M. Chitty
Saunders, sir George
Scrope, hon. John
Scot, James
Selwyn, John
Shannon, visc.
Schaw, sir John
Shelley, sir John
Sinclair, col. James
Sloper, William
Smelt, Leonard
Speke, George
Stanhope, Charles
Stuart, William
Sutherland, William
Sutton, gen. Richard
Talbot, Charles
Thompson, William
Thompson, Richard
Thornhill, sir James
Tilson, Christopher
Towers, Christopher
Towers, Thomas
Townshend, hon. Hor.
Townshend, hon. Tho.
Treby, George
Trenchard, George
Tufnel, Samuel
Turner, sir Charles
Tylney, earl of
* Tyrconnel, visc.
Tyrrel, col. James
Vincent, Henry
Wade, gen. George
Wager, sir Charles
Walker, Thomas
Walpole, sir Robert
Walpole, Horatio
Walpole, Edward
Walter, Peter
Wardour, William
Wentworth, sir Will.
White, John
Whitworth, Francis
Willes, John
Williams, sir Nicholas
William, Hugh
Wills, sir Charles
Wyndham, Thomas
Wollaston, William
Wynn, Thomas
Yonge, sir William
York, sir Philip
* Yorke, John

A LIST OF THE MEMBERS WHO VOTED AGAINST THE EXCISE SCHEME.

Mr. Sandys, Teller.

Abdy, sir Robert
Aislabie, William
Alington, Marmaduke
Annesley, Francis
Astley, sir John
Aston, sir Thomas
Bacon, Thomas
Bacon, sir Edmund, (Gillingham)
Bagot, sir W. Wagstaff
Banks, John
Banks, Joseph
Barnard, sir John
Barrington, sir John
Bathurst, Peter
Bathurst, Benjamin
Belfield, John
Berkeley, hon. George
Bevan, Arthur
Bold, Peter
Boscawen, hon. Hugh
Bowes, George
Bowles, William
Bramston, Thomas
Broke, Philip
Bromley, William
Browne, John
Bulkeley, visc.
Burrard, Paul
Burrel, Peter
Cæsar, Charles
Carew, sir William
Cartwright, Thomas
Caswall, sir George
Chafin, George
Charlton, St. John
Chetwynd, visc.
Chetwynd, John
Child, sir Francis
Childe, Will. Lacon
Cholmondeley, Chas.
Clarke, Godfrey
Cocks, James
Coffin, Richard
Compton, George
Cornbury, visc.
Cornewall, Velters
Cotton, sir John H.
Courtenay, sir Will.
Crisp, Thomas
Curzon, sir Nathaniel
Dalrymple, capt. John
Dalrymple, sir Jas.
Dalrymple, hon. col. W.
Davers, sir Jermyn
Devereux, hon. Price
Digby, hon. Edward
Drax, Henry
Drewe, Francis
Dundas, Robert
Elton, sir Abraham
Eyles, sir John
Eyles, sir Joseph
Fazakerley, Nicholas
Fenwick, Nicholas
Finch, hon. John, (Maidstone)
Finch, hon. John, (Higham Ferrers)
Foley, Edward
Fortescue, hon. Theo.
Fuller, John
Furnese, Henry.
Gage, visc.
Gay, Robert
Gower, hon. B. L.
Gower, hon. W. L.
Grosvenor, sir Robert
Guidott, William
Gybbon, Philip
Hall, Charles
Hanbury, John
Harley, Edward
Harrison, Thomas
Harvey, Michael
Hawkins, Philip
Heathcote, William
Heathcote, George
Hedworth, John
Henley, Anthony
Hoby, sir Thomas
Holland, Rogers
Hope, sir John Bruce
Howe, John
Hylton, John
Inwen, Thomas
Inchiquin, earl of
Isham, sir Justinian
Kemp, sir Robert
Kemp, Robert
Keyt, sir William
Lawson, Gilfrid
Lawson, sir Wilfrid
Lee, sir Thomas
Lee, George
Leigh, hon. Charles
Levinz, William
Lewen, George
Limerick, visc.
Lisle, Edward
Lister, Thomas
Lloyd, Salisbury
Lowther, sir James
* Lowther, sir Tho.
Lutterel, Alexander
Lutwyche, Thomas
Lyster, Richard
Mackenzie, sir Geo.
Mansel, hon. Busy
Masters, Thomas
Master, Legh
Meadows, Sidney
Merril, John
Methuen, hon. sir Paul

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Middleton, sir Will.	Scot, Robert
Milner, sir William	Sebright, sir T. Saund.
Monoux, sir Hump.	Seymour, Francis
Morpeth, visc.	Shafto, John
Morrice, sir Will.	Shepheard, Samuel
Mostyn, sir Roger	Shippen, William
Mountrath, earl of	Shirley, hon. Robert
Newland, William	Shuttleworth, Richard
Newton, sir Michael	Slingsby, sir Henry
Nightingale, J. Gasc.	Somerset, ld. C. Noel
Noel, hon. Thomas	Spencer, hon. John
Noel, sir Clobery	Stanhope, hon. John
Norris, sir John	Stanhope, sir William
Northmore, William	Stanhope, Charles
Ongley, Samuel	Stanley, sir Edward
Packer, Winchcomb	Stapleton, sir Will.
Packington, sir Her.	Talbot, John Ivory
Palmer, Thomas	Taylor, Joseph
Parsons, Humphrey	Townshend, hon. W.
Pelham, Charles	Tremayne, Arthur
Perrot, Henry	Turner, Cholmley
Perry, Micajah	Vane, visc.
Peyto, William	Vane, hon. Henry
Phillips, Erasmus	Vaughan, W. Gywn
Plumer, Richard	Vernon, sir Charles
Plumer, Walter	Vernon, Edward
Plumptre, John	Vyner, Robert
Potteuger, Richard	Walcot, John
Powlett, lord Nassau	Waldon, lord Henry
Pulteney, William	Waller, Edmund
Rashleigh, Jonathan	Waller, Harry
Reynell, Richard	Ward, John
Rolle, Henry	Warren, Borlace
Rowney, Thomas	Williams, sir John
Rushout, sir John	Willoughby, hon. Tho.
Sambrooke, John	Winford, Thomas
Sambroke, sir Jer. V.	Wortley-Montagu, E.
St. Aubin, sir John	Wrighte, George
St. John, hon. John	Wyndham, Thomas
Saunderson, sir T. L.	Wyndham, sir Will.
Scawen, Thomas	Wynn, Watkin Will.

After this, three other motions were agreed to, without any division; which, with the first Resolution, are as follows. 1. "That it is the "opinion of this Committee, that the Subsidy "and additional Duty upon tobacco of the "British Plantations, granted by an act of the "12th of king Charles II. and the imposts there-"on granted by an act of the first of king James "II, and also the one third Subsidy thereon, "granted by an act of the 2d of queen Anne "amounting in the whole to 5½*d.* per pound, for "several terms of years in the said respective "acts mentioned, and which have since been "continued and made perpetual, subject to re-"demption by Parliament, shall from and after "the 24th day of June 1733, cease and deter-"mine.

2. "That in lieu of the said Duties so to be "determined, there should be granted to his "Majesty an inland duty of 4*d.* per pound upon "all tobacco imported from the British planta-"tions, to be paid before the taking the same "out of the warehouse.

3. "That the Inland Duties, to be raised "and levied upon Tobacco, be appropriated "and applied to the same uses and purposes, as "the former duties upon tobacco, to be deter-"mined, were appropriated and applied.

4. "That all fines, penalties, forfeitures and "seizures, to ariseby the said duties, be applied "to the use of the public, except so much "thereof as should be allowed to the informers "or prosecutors."

March 16. Sir Charles Turner reported the above Resolutions to the House; and a motion being made for agreeing with the Committee in the first Resolution,

Sir *John Barnard* spoke as follows:

Sir:—Though the Resolutions which have been now read to us, were agreed to by a majority of those present in the Committee, yet I can make no manner of doubt, but that now, after gentlemen have had time to consider that affair seriously there will be many of a different opinion from what they were of in the Committee; for my own part, I must say that the more I consider that scheme on which these resolutions are founded, the more objections I find to it, and the less I find in those arguments which were offered in support of it. One of the chief ends proposed by this scheme is, the preventing of those frauds which have formerly been committed in the Tobacco-trade; but, if we particularly examine those frauds we shall find, that every one of them may either be prevented by the laws already in being, or they are such as cannot be effectually prevented by any thing in the scheme proposed.

The fraud which has been committed upon the weighing of the Tobacco at the Custom-House, and likewise that of exporting one sort of tobacco for another, is altogether owing, as has been already observed, to a neglect of duty in the officers, and not to any defect in the laws; and as to the frauds of running or re-landing tobacco, after it has been entered for exportation and has received the draw-backs, which are those by which the public has and always will suffer most, there is nothing in the scheme that can any way contribute to the preventing them; for it is not the manner of collecting of duties, but the amount of the duties, which occasions smuggling and running in all countries, and in all branches of trade; and since the duties on tobacco are by this scheme to be as high, or very near as high, as they were before, we may expect there will be as much smuggling as there was formerly; where the temptation is great, the number of the tempted will increase in proportion, let the danger they run be never so great.

As for the warehouses proposed, if there be any thing in that part of the scheme, which may be of use against smuggling it, is not to this scheme, that the proposition owes its birth; it is what the merchants themselves have long ago desired; and for that purpose I drew up some time ago a clause to have been offered to this House, which I shewed to the honourable gentleman on the floor; and at that time the affair would have been pushed, but there arose some

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disputes and differences among the merchants themselves, which occasioned its being deferred: that part of the scheme therefore I shall find no fault with, I believe no merchant will, but then we would have it without the laws of excise; for this reason the honourable gentleman cries out against the merchants as a very unreasonable set of men; he says, that they formerly desired to have warehouses, and yet now they refuse to accept of them. But do not gentleman see where the difference lies? The Merchants desire to have warehouses without an excise, and the honourable gentleman will not, it seems, favour us with the one without loading us with the other.

As to what the Civil List may get by this scheme, it will depend entirely upon the effect the scheme may have in relation to the preventing of frauds; but it is certain, that if the public revenue get any thing by the scheme, the Civil List will get in proportion, or rather more; for, by what is now proposed, that part of the duty, which goes towards the Civil List, is still to be payable upon importation at the custom-house, and to be drawn back on exportation, as before: Now it is manifest, that this will be a great advantage to the Civil List, and often a great inconvenience to the merchant; for once in every six weeeks that money will be carried to the Exchequer, and when once it is lodged there, I believe it will there remain; it will never be sent back to the custom-house to answer any occasion there may be for it at that place; so that when the merchant comes to export a quantity of tobacco, and to call for his drawback, if the Commissioners have none of that Civil List money in their hands, they cannot apply the produce of any other branch of the public revenue to that use, and therefore the merchant must wait for his drawback until some new tobacco be imported; by which means the crown may often have the use of that money, which should have been applied to the payment of the merchant, perhaps for near a twelvemonth at a time; and the laying out of that money for so long a time, may often happen to be of dangerous consequence to the merchant's credit.

The honourable gentleman talked of making London a free port, I wish with all my heart he would do so; it is certainly what every merchant wishes to see done, and what would greatly contribute to the increase and encouragement of the trade of this nation; but how such a pretence can be set up in favour of the scheme now before us, I cannot comprehend, for I can see nothing in the scheme that has the least tendency towards producing an effect so much to be wished for: on the contrary, it appears evident to me, that by this scheme, the port of London, and all the other ports of the kingdom, will be so far from being made free, that at every one of them the merchant will be subjected to more trouble and expence, both upon importation and exportation than ever he was before. It is true that upon the importation of tobacco, the merchant was formerly obliged to pay down the whole duties, or give his bond with sufficient sureties for them; but this was never any hardship upon the merchant, because, if he had ready money, he advanced it for the prompt payment of the duties, and he had an allowance for so doing; which was but a reasonable allowance, considering how long he was sometimes obliged to keep his tobacco on his hands, before he met with a market either for home-consumption or exportation, and how many months credit he was often after that obliged to give to the buyer; and if he had not ready money at command, he could formerly give his bond for the whole duties with two sufficient sureties, which a man of tolerable credit could always easily find; whereas by this scheme, it seems, every merchant-importer of tobacco must pay some part of the duties at the entry, let him make what shift he will for the money, which to a poor man is a new hardship; and to a rich man the payment of that part of the duties in ready money, is a greater hardship than the payment of the whole, considering that he has no allowance for prompt payment, as to that part of the duties which he is obliged to pay in ready money.

I am surprised to hear any gentleman say, that brewers make no complaints on account of their being subjected to the laws of excise; I do not know what sort of brewers those gentlemen may converse with, but I never conversed with any who did not complain of it as a very great grievance, nor did I ever meet with any one who could not give very substantial reasons for their complaints. There are many particular ways by which the officers of excise may be troublesome and vexatious to the brewer; but there is one which is generally practised all over the kingdom, and that is, that those officers not only gauge and take an account of their liquors, but likewise oblige the brewers to shew them their books as often as they have a mind; by which means they not only pry into all the secrets and mysteries of their trade, but likewise into their circumstances and fortunes. Can any gentleman look upon this as no grievance? Is it not a hardship upon any man to have the secrets and mysteries of his trade exposed to every little fellow, whom the commissioners of excise shall please to put in authority over him? But is it not still a greater hardship, for a man to be obliged to discover his circumstances, to one who is an utter stranger to him, perhaps to one who is his most implacable enemy?

The honourable gentleman, I find, values himself much upon the small increase of excise-officers that is to be made by his scheme; but then he seems to forget the warehouse-keepers; they, as well as the other officers of excise, are all to be named by the crown, and paid by the public, consequently they are certainly to be called officers of the revenue: They will be as expensive to the public, and as great slaves to the administration, as any other sort of officers whatever. As there are to be a great number of tobacco-warehouses in Britain,

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there must be a great number of them employed to attend those warehouses as often as there shall be occasion for them, otherwise it will be impossible for the merchant to manage or dispose of the goods he has there lodged; from whence I must conclude, that the number of those warehouse-keepers will be much more than double the number of the other new officers to be added by this Scheme.

Gentlemen seem to make light of the trouble that merchants will be put to by those warehouse-keepers; they think it will be no inconvenience to the merchant to be debarred all access to his goods, but at those hours when the warehouse-keeper is to be obliged to attend him. Those, who argue at this rate, seem to know but little of the various accidents that happen in trade; but this is not the only inconvenience that even the merchant is to be exposed to by this Scheme; he must, for every quantity of tobacco he sells, make a journey, or send a messenger to the permit-office for a permit, which must necessarily put him to a great deal of trouble and expence; and therefore, that the merchant may be as much eased as possible, I hope that, as soon as those public warehouses are all appointed, there will be two little lodges like centry-boxes, built somewhere adjoining to each warehouse, one for the warehouse-keeper, and the other for the officer who is to grant the permits.

It has been said, that liberty has nothing to do in the question now before us; but, in my opinion, if it is not deeply concerned in this question, it never can be concerned in any question that can come before this House: Is not every man's house looked on as his asylum? Is then the giving a power to any little paltry exciseman to enter people's houses at all times of the day and night, no encroachment upon the liberty of those people? If it is not an encroachment upon a man's liberty, it certainly is a very direct one upon his property, and of consequence it will be found to be an encroachment upon his liberty; for can any man be said to be free, who must submit to, and be the humble slave of his exciseman, otherwise he must expect no quiet or comfort within his own dwelling house: the most blameless conduct cannot secure him against vexation; and no man can be said to be free, who cannot depend upon his innocence for his protection: an officer invested with such power, may fall upon twenty ways to teaze and vex the most innocent man upon earth: I know, that one of my acquaintance, who has the misfortune to be subject to the laws of excise already in being, was for a considerable time together, regularly visited by his exciseman at the hour the family went to dinner; and if they had but civilly asked the gentleman to call at any other time, his immediate answer was, 'No Sir, I am in a hurry, I have a great 'deal of other business to attend besides yours; 'I must immediately visit such a place; if you 'will not allow me me, I must go, and I know 'what to do.' By this rude behaviour the whole family was disturbed and one of them was always obliged to get up from dinner, in order to go and let him visit such places in the house as he had a mind.

These are the fellows who, by this fine scheme, are to be put into every man's house that is a dealer in either of the two commodities of to baccoór wine: these are the Lord Danes, who are to be by law appointed to lord it over every such dealer and his whole family: we know what was the fate of the Lord Danes we had formerly in England, and I shall be very little surprized if these new ones meet with the same fate. In short, gentlemen may dress up this scheme in what shape they please; but to one who considers it coolly and impartially as I have done, it must appear in its true colours. I am convinced that it will produce nothing but the most mischievous consequences, not only to those who are to be immediately affected by it, but likewise to the liberties and properties of the nation in general; and therefore I am entirely against agreeing to the resolutions of the Committee.

Mr. Horatio Walpole spoke next for agreeing with the Committee; Mr. Bramston against it; lord Hervey for it; then,

Sir *Thomas Robinson* stood up and spoke as follows:

Sir:—As I had not an opportunity in the Committee of giving my opinion in this question, I hope I shall be indulged the liberty of doing it now, since I find the whole is to be canvassed over again. I will take up as little of your time as possible, in making a few observations on the scheme itself as it now appears to us, and on what has fell from some gentlemen in the course of this debate.

I cannot help expressing my surprize, to hear so often repeated the cruel usage the English merchants have met with of late: for God's sake, let all that has been said in this House, during the time this affair has been upon the anvil, be fairly and impartially canvassed, and it will come out to be against the unfair dealers in wine and tobacco, and against them only; why should gentlemen therefore apply it to merchants in general? Give me leave to say, whoever makes such application, it is they who pin the question upon the whole body of merchants, and not those gentlemen who think the method proposed of collecting this revenue, will secure to the public what they have an undoubted right to. All that has been said on this head, and what we are now endeavouring to do by this bill, is calculated to affect those men only, whose artifices and cunning have hitherto evaded the customs, against whom no less caution can secure that duty to the public purse, which every consumer of this commodity has an indisputable right to have fairly collected.

Surely no gentleman, who appears for this scheme, would for his own sake protect or countenance it, if he imagined the success of it would either affect our trade, or the body of the English merchants immediately concerned

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in the exportation of our manufactures, or by way of return for them in the importation of foreign productions useful and necessary to us; for it is to our trade, and to our merchants, that the real causes of the wealth and prosperity of this nation are principally to be ascribed: But this scheme is not intended to affect, nor will, I think, in any shape reach these men, which when they come impartially to consider, they must be sensible of; and then they will be able to judge, whether they have been alarmed at the approach of real, or only at the noise of imaginary dangers.

I am very sorry to hear so often urged, that these restrictions proposed only for the preventing of frauds will be a discouragement to trade in general; for the natural conclusion from thence would seem to be, that frauds and trade were inseparable: as the very foundation of this scheme, appears to me to be intended for the improvement of the public revenue by the discouragement of frauds; when it is so often affirmed, that it will also be a discouragement of trade, a stranger in the gallery, who was to hear our debates, would naturally imagine that a continuance of, or a connivance at frauds, was in this country a necessary encouragement to trade.

As this bill appears to me to be attended with certain advantages to the tobacco trade, and as I should be glad to be set right if I am mistaken; I beg leave to ask a few questions of those who are conversant in trade: Whether high duties on goods imported are not a great weight on every branch of trade so loaded; as it not only obliges the merchant to keep a double stock in ready money, but of course confines that trade to a very narrow circle of dealers, and surely it never can be the interest of a trading nation to encourage monopolies? Then I must ask, whether, as the law now stands, the tobacco trade has not this hardship attending it? If it be so, I would ask, whether this clog is not entirely removed by this scheme? no duty being to be paid at importation, nor any money demanded till the factor has made his bargain with the retailer, who is to pay the whole duty?

Is it not another allowed maxim in trade, that one of the greatest temptations to frauds are large drawbacks on goods exported, nay the very parent of frauds in this commodity? If this be a fact, is not this motive to frauds entirely removed, there being by this scheme no temptation whatever to frauds on this head? for by this scheme as now amended, there is no part of the duty to be paid at importation, there is not a farthing of the duty ever to be paid for the tobacco which shall hereafter be re-exported; so that the honourable gentleman who spoke first, and who always speaks so well and with so much weight in this House, has in this particular entirely mistaken the scheme now before us.

Has not the method of bonding the duties, till very lately at least, been universally allowed to be often fatal to both the planters and factors, and as often detrimental to the public? Is not this hardship quite obviated by this scheme? Is not bonding entirely out of the present question?

Were not the charges in the bills of sale from the factor to his planter a very great hardship on the latter? According to all those I have seen, they never amounted to less than 25 per cent, and oftner to much more, on the whole neat produce returned to the planter for his tobacco. I do not mean to accuse the factor of taking an extravagant or unjust gain on this head: but what I think we are now contending to remove, is the pretence for and the foundation of these charges, which have been so greatly detrimental to that trade, and so great a hardship on the Virginia and Maryland planters, who now send you a merchandize that proves to this nation, by the great quantities re-exported to foreign markets, a very beneficial branch of your commerce; and if something be not now done in their behalf, I am told from very good hands, we shall run the risque of losing this staple of tobacco: then it will be too late to consider what methods are best for collecting the duties on it; and therefore, were there no other motive for this bill, this consideration alone would weigh greatly with me, to make a trial, at least, of the method now proposed for giving relief to so considerable a part of our American colonies.

Now I am up, Sir, give me leave to remind gentlemen, that, as the law now stands, 4¼*d.* neat money, at least, is paid on each pound of tobacco, immediately on importation, though the importer takes the advantage of all the discounts on prompt payment, otherwise the duty comes higher: but by this scheme, the whole duty will be at the highest but 4¼*d.* per pound weight, and will not be demanded till the tobacco is taken out of the warehouse for home-consumption, and therefore may sometimes not be paid till eighteen months or two years after the landing of the tobacco: let therefore who will advance the money, this farther credit given by the public, for the payment of the duty, must be a certain benefit to this trade; and thus, by postponing the payment of the duties till so much nearer the time of consumption, the dealers in tobacco will be enabled, and ought to afford it to the consumer on more reasonable terms.

If then this scheme be found to be no real detriment to the fair merchant, and a certain benefit to the planters, I believe in another particular it will be a demonstrable advantage to the public, I mean an improvement of the revenue: but what appears to me pretty extraordinary is, to hear that improvement urged as one of the chief objections against the whole scheme, because the civil-list revenue will also of course receive some increase. Give me leave to say, that whatever appearance of weight there might have been in this objection before the scheme was known, yet now when it comes to be considered, that the crown in return gives up to the public all forfeitures and

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seizures, this objection can be of little weight: but surely this could never have been thought a sufficient objection for the legislature to refuse a remedy against the known frauds, practised in the collection of the public revenues, on account of its preventing those practised against the crown; especially, when even this improvement of the King's income is no more than what was, in effect, granted by the Parliament, when they appropriated the produce of those duties to his Majesty for life.

But since it is said, that this alteration in the method of collecting the duty on tobacco will be such an augmentation to the revenue, though no new tax be laid on, nor an addition made to any one now in being, it may be asked, from whence this augmentation will arise? To this the bare enumeration of the several frauds at present practised in the collection of this duty, would be a sufficient answer; especially, if we consider the large sum, which the frauds that have actually been discovered yearly amount to, and that it cannot be supposed, that one-fifth part of the frauds, which have really been committed, have ever come to the knowledge of the public, or of those intrusted with the collecting of this duty: but as the honourable gentleman, who opened the debate in the committee, has so fully and so demonstrably shewn the particulars of these unlawful transactions; and as there are in this House so many gentlemen, thoroughly acquainted with the course of the public revenues, who can speak more minutely to the nature of these frauds than I am capable of doing, I shall not enter into a detail of them; but only take notice, that there have been some instances, where a tripple fraud has been committed in the disposal of the same individual parcel of tobacco; he, indeed, who practises this method, must be very adroit in the business of smuggling, but it is certain it has been practised: the unfair trader has contrived to receive the full duty twice from the public, without having ever paid it once to the public; he has received from the government the drawbacks upon a quantity of tobacco, which he found means to import without paying any duty; and by again running the same tobacco from Holland in small parcels, he has a second time received the drawbacks from the consumers, by selling it to them as if the duties had been honestly paid; and the difficulty to prevent this kind of frauds, as there is but one check in the customs, is almost insurmountable; since, in some cases, the unfair dealer in tobacco may very well afford to give such bribes to the custom-house officer, as will even more than compensate to him the loss of his place, if he should be discovered.

So that in this light, the parties in this contest are, the public, the planter, and the fair trader on one side; and the unfair dealer only on the other. It is a duty the nation pays; the planter and fair trader feel the inconvenience of it, but the benefit is intercepted by the fraudulent dealer; and in this view your landed consumers of tobacco have doubly paid the duty; they have paid it once by buying the tobacco at an advanced price, as if the duty had been paid by the seller; and again by a future call upon them by the legislature, to make good the deficiency occasioned by the frauds of the sellers; so that by this method of taxation, a duty has been laid on one subject, which another has by artifice not only prevented coming into the public purse, but has converted towards the supporting or enriching of himself.

But there is another reason, which will have the greatest weight with me, for coming into this proposition, and that is, because I think, that in its consequences, the landholders of Great Britain will find a considerable relief. As long as I can remember, I have always heard the land tax complained of, as one of the most unequal and most grievous of our taxes; unequal, as it is only paid by a part of those who possess property in Great Britain, and so great a disproportion is there in this particular, that as our property is now divided, I believe one may say, the money arising by this tax, is paid only by five out of six of those who possess the riches of this nation; and it has hitherto been the more grievous, as there was no prospect that any one of this generation, would have been relieved from the burthen of it. From land alone 64 millions and a half have been raised since the Revolution, and an estate of 1,000*l.* a year fully cessed since that time, has paid 6,450*l.* which sum amounts to near one sixth part of the whole produce of such an estate in that time; so that by taking it at an average, the landholders of these estates thus cessed, have paid very near a sixth part of the gross produce of their estates for fourty-four years successively, which bears no manner of proportion to what has been paid by any other set of men, towards defraying the charges of the government since that time. This has always been most justly reputed a grievance upon the landholders, yet now when a scheme is offered, which as it appears to me, would be a certain relief to the landed interest, a new language, a new opinion has started up, and prevails at least without doors, that the lands of Great Britain should still continue to carry that burthen, which, till very lately, all mankind were unanimous, they ought to be relieved from.

If some gentlemen may think there can be any material weight thrown into the scale of the crown, by the addition of a few excise-officers, let them on the other side reflect on the relief given by this Scheme to the landholders of Great Britain, who always have been, and ever must be, in time of trial and necessity, the real and solid support of the liberties of the nation.

And as the landed interest must be allowed to be our principal strength, all attempts to invade our liberties must prove unsuccessful, while the gentlemen of landed estates shall continue resolute, and retain sufficient force to op-

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pose any arbitrary designs: any thing therefore, that tends to put them upon a better footing, and to increase their substance, strengthens our constitution in the most essential part; for this reason, when the ease that will be given to landholders is in this view impartially considered, the addition of a few excisemen, with salaries of 40 or 50*l.* a year each, will not have that weight in this day's debate, which at first sight it might seem to carry with it.

Sir, I have mentioned the advantages which, as it appears to me, will naturally arise to the public revenue, to the fair trader, to the industrious planter, and to the landholder by this Scheme; and I think there is another benefit attending it, which gentlemen do not seem to give sufficient attention to, I mean the reformation that will be made on this occasion in the laws of excise; for though the extention of them, as they now stand might have been thought by some a strong objection to this Scheme, however beneficial in other respects it might prove to the public, yet I think the weight of this objection is greatly removed, when we consider that the alteration now proposed will take away many of those powers, which might in time to come have been abused to the oppression of the subject. One of the most material objections I ever heard started was, the want of a proper appeal from the determination of the commissioners of Excise; but this I think is entirely obviated by the allowing of an appeal from those gentlemen to three judges chosen from the different courts in Westminster-hall; or from the justices of peace to the judges of assize in their respective circuits; who are to determine in a summary way, without either delay or any considerable expence to the parties concerned. Now whatever influence the nomination of these officers by the crown might have on their actions, or however regardless their power, being uncontroulable, might make them in their determinations, this check must prevent the execution of their intentions, were they inclined to abuse their power in favour of the crown; it will certainly make them more cautious in giving judgment, when they shall know, when they shall reflect, that their judgments are liable to be canvassed in a superior court, where no favour, where no interest can screen an ill action: the judges to whom the appeal must be made, have their offices for life, and therefore cannot reasonably be supposed to be biassed, so as to countenance any unlawful steps of the commissioners, let them be the favourites of any minister whatever, or let the party oppressed, let the party complaining, be never so obnoxious to an administration.

There is also another benefit that will attend the success of this Scheme, which is the repeal of an act made in the 11th year of the late king, which obliges people to accuse themselves: As this is certainly a very great grievance, the repeal must be a very agreeable relief to those who are subject to it. I hope therefore, if this question passes, when the blanks in the Bill come to be filled up in the Committee, those gentlemen, who may think that there are any unnecessary clauses in the laws of excise, will take this favourable opportunity to have those laws reviewed; and by the addition of proper clauses to the Bill now to be brought in, to extend the regulations of them in behalf of the subject, as far as may not leave the duties under the management of the commissioners open to gross frauds.

Upon the whole, I believe the benefits proposed by this Scheme, by an improvement of the public revenue in preventing frauds, will be a certain relief to the landed interest; and the only real objection that ever could be to such a design was the method by which it was to be effected: but that, I think, as I said before, is in a great measure removed, by the mitigation of those methods of proceeding in excise-laws, which seemed most to infringe the liberties of the subject, and which alteration may, nay is designed to be extended to the other branches of the revenue, subject to the same laws.

This Scheme therefore, as it is intended to be a review of the Excise Laws, and an amendment of the rigour of those parts of them when less severity would secure the duty to the public, appears in this light as much in favour of the subject as of the revenue; and as such, where it comes to be rightly apprehended, and the benefits attending it are felt and diffused through the whole nation, I believe it will soon take a more favourable turn among the people: the ill impressions of it that may now be industriously spread abroad, I should think, would soon subside and be forgotten.

I beg pardon, Sir, for taking up so much more of your time than I at first intended. I now only add, that since upon the examination of the particular merits of this scheme, the advantages proposed by it appear to me to be certain; and of such a nature as not only to increase the public revenue, without any new tax on the subject or addition to any one now in being; to advance the interest of our trade and plantations; and also at the same time to raise the value of the lands of Great Britain, I shall therefore readily give my assent to it.

Sir *Thomas Aston*, spoke next against the motion for agreeing with the Committee, and took notice, 'That it was his misfortune to know too much of the influence, that the officers of the customs and excise had at elections; for at his own election there were many of the voters were so free and open, as to come to him and tell him that they would vote for him rather than any other, but that those officers had threatened to ruin them if they did; and others told him, that they had promises either for themselves or their sons to be made officers in the customs or excise by his antagonist; and as their bread depended upon getting those promises fulfilled, which they could not expect if they did not vote against him, therefore they hoped he would excuse them: that as he knew the evil of this illegal influence by experience, therefore he should always be

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against any measure that might tend to increase it, as this Scheme most evidently would; that he hoped he should always disdain to owe the honour of representing his country in parliament to any administration whatever: that he hoped he should always depend upon the free votes of his fellow subjects; and for that reason he must be against what he thought would destroy that freedom, upon which only he was resolved always to depend.

Then Lord Glenorchy spoke for agreeing with the Committee; Lord Morpeth against it; Mr. Clayton for it. Then

Mr. *Pulteney* spoke as follows:

Sir:—I must say, that the recommending the care of the public revenue to this House, the recommending to us a scheme which may, any way, tend to the increasing of it, are doctrines, which come very properly from the honourable gentleman that spoke last, who for several years has had the fingering of the public money, as he himself was pleased to express it: but I hope those gentlemen will consider, that they and their posterity are not all to enjoy the same posts they enjoy at present; they may perhaps expect that they themselves are all in for life, but they cannot imagine that those posts are to go by way of inheritance to their heirs; and therefore I hope, that for the sake at least of their posterity, they will consider a little the power and influence that this Scheme will give to the crown; and such a consideration must certainly be of some weight in the present debate, even with those gentlemen.

It is certain, that the liberties of this country depend upon the freedom of our elections for members of parliament; our parliaments, especially the representatives of the people in parliament assembled, are designed for, and generally have been a check upon those, who were employed in the executive part of our government: but if it shall ever come to be in the power of the crown, that is to say, of those employed in the executive part of our government, to have such an influence over most of the elections in the kingdom, as to get any person chosen they please to recommend, they will then always have a majority of their own creatures in every House of Commons, and from such representatives what can the people expect? Can it be expected, that such a House of Commons will ever be any check upon those in power, or that they will find fault with the conduct of the most rapacious, the most tyrannical ministers that may hereafter be employed by the crown.

It is well known, that every one of the public offices have already so many boroughs or corporations, which they look on as their properties; there are some boroughs which may be called treasury boroughs; there are others which may be called admiralty-boroughs; in short, it may be said, that almost the whole towns upon the sea coast are already seized on, and in a manner taken prisoners by the officers of the crown: in most of them they have so great an influence, that none can be chosen members of Parliament but such as they are pleased to recommend. But as the customs are confined to our sea ports, as they cannot travel far from the coast, therefore this scheme seems to be contrived in order to extend the laws of excise, and thereby to extend the influence of the crown over all the inland towns and corporations in England.

This seems plainly to me to be the chief design of the Scheme now under our consideration; and if it succeeds, which God forbid it should, our future ministers of state will be very much obliged to the gentleman who projected it; the election of a House of Commons will in all time to come be an easy task; for whoever shall be prime minister under any of our future kings may sit at home in his great chair, and issue forth his orders to most of the counties and boroughs in Great Britain, to chuse such persons for their representatives in parliament, as he shall please to think most proper for his purpose. Most of the chief clerks of the treasury, and other great offices, are already members of this House; they deserve it, they are gentlemen, and men of figure and fortune in their country: but if this Scheme takes place, we may in a little time see all the little under-clerks of the treasury, and other offices, members of this House; we may see them trudging down to this House in the morning, in order to give their votes for imposing taxes upon their fellow-subjects; and in the afternoon attending behind the chair of a chancellor of the exchequer, a secretary of state, or other chief minister: nay, I do not know but some of us may live to see some vain over-grown minister of state driving along the streets, with six members of Parliament behind his coach.

These must be the fatal consequences of the scheme now under our consideration; and therefore I must think that every man, who has a regard to the constitution of his country, or to the liberties and properties of those that have put their trust in him, is in duty bound to give his negative to the present question.

Gentlemen may indulge themselves in the vain conceit, that by this scheme all manner of frauds in the tobacco trade will be prevented for the future, but the thing is in its own nature impossible; when the duties are so high, where they amount to five or six times the prime cost of the commodity on which they are laid, it will be impossible to prevent all manner of frauds; and therefore the increase of the public revenue by this scheme, is so far from being certain, that it is altogether precarious; and unless the pulbic revenue be thereby greatly increased, the landholders can expect no relief: but granting that the benefits expected by this scheme were certain; it is as certain, it is as demonstrable, that our constitution will be thereby destroyed; and are we to make a sacrifice of our constitution, for the poor consideration of adding 4 or 500,000*l.* a year to the public revenue? that increase may soon be dissipated by an administration under

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no fears of being called to an account by parliament; and then they will be obliged to come upon the landholders for money, to answer the necessary services of the public. There never was in any country a scheme set up for introducing arbitrary power, but what was supported by some specious pretences: the preventing of mobs, insurrections, invasions, frauds, or the like, have in all countries been made the pretences for introducing arbitrary power: but in such an assembly as this, where the principles of liberty so much prevail, where there are so many gentlemen of good sense and penetration, I hope no such pretence will ever be of any weight. To me it appears indisputable, that this scheme is absolutely inconsistent with a free election of members of parliament, and of consequence it must be inconsistent with our constitution: therefore though the advantages to be reaped from it were much greater, and much more certain than they are, I should be most heartily against it, and for that reason I must give my negative to the present question.

After some few altercations between sir Robert Walpole and Mr. Pulteney,

Mr. *Walter Plumer* stood up, and took notice of some gentleman's having said, that nobody had opposed the subjecting of coffee, tea, and chocolate, to the laws of excise, but the gentleman under the gallery [meaning sir John Barnard] and he thereupon added, that he must put those gentlemen in mind, that he had then the honour to be a member of the House: that he thanked God, he did oppose that Excise Scheme as well as this; and that he would oppose every such scheme that should ever be offered to the House, while he had the honour of sitting in it: that he knew how grievous and oppressive the laws of excise were to his fellow subjects; and therefore he could not answer it to his country, if he did not, to the utmost of his power, oppose every scheme offered for the extension of those vexatious and arbitrary laws.

The Resolutions of the Committee, relating to the Excise Scheme, agreed to by the House, and a Bill ordered in accordingly.] After this, the question was put upon the first Resolution, and carried in the affirmative by 249 against 189. Then the questions were severally put upon the second and third Resolutions, which were agreed to without any division; and the fourth Resolution being read a second time, sir Robert Walpole informed the House, "That the King had commanded him to acquaint the House, that his Majesty gave his consent, that the House should do as they should think fit, in relation to the said fines, penalties, forfeitures, and seizures." Hereupon the question was put, and this last Resolution likewise was agreed to without any division.

Then it was ordered, That a Bill be brought in, pursuant to the said Resolutions; and that sir Charles Turner, sir Robert Walpole, sir Philip Yorke, Mr. Talbot, Mr. Doddington, Mr. Clayton, sir William Yonge, sir George Oxenden, Mr. Scrope, and Mr. Edward Walpole do prepare and bring in the same.

END OF VOL. VIII.

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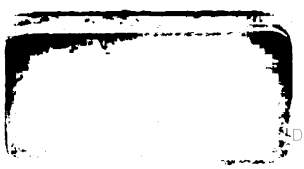

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